

**FILED**

**UNITED STATES DISTRICT COURT**  
**Northern District of Oklahoma**

AUG 29 1996

Phil Lombardi, Clerk  
U.S. DISTRICT COURT

UNITED STATES OF AMERICA

v.

Case Number 96-CR-055-001-B

MARY ELLEN PAYNE  
 Defendant.

ENTERED ON DOCKET  
 AUG 29 1996  
 DATE \_\_\_\_\_

**JUDGMENT IN A CRIMINAL CASE**  
**(For Offenses Committed On or After November 1, 1987)**

The defendant, MARY ELLEN PAYNE, was represented by Ronald B. Stockwell.

The defendant pleaded guilty to count(s) 1, 2, 3, and 4 of the Information on May 24, 1996. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

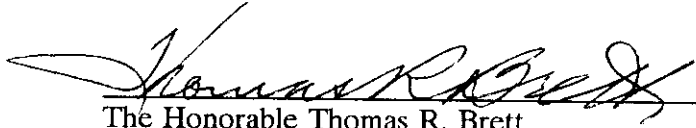
<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 USC 1341 & 2	Mail Fraud and Causing a Criminal Act	06/08/94	1, 2, & 3
26 USC 7206(1)	False Statement to Internal Revenue Service	03/27/94	4

As pronounced on August 23, 1996, the defendant is sentenced as provided in pages 2 through 5 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

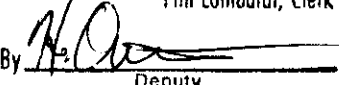
It is ordered that the defendant shall pay to the United States a special assessment of \$ 200.00, for count(s) 1, 2, 3, and 4 of the Information, which shall be due immediately.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Signed this the 28<sup>th</sup> day of August, 1996.

  
 The Honorable Thomas R. Brett  
 Chief United States District Judge

Defendant's SSN: 443-52-0208  
 Defendant's Date of Birth: 04/25/50  
 Defendant's mailing address: P.O. Box 476, Quapaw, OK 74363  
 Defendant's residence address: 416 Kentucky, Quapaw, OK 74363

United States District Court )  
 Northern District of Oklahoma ) SS  
 I hereby certify that the foregoing  
 is a true copy of the original on file  
 in this court. Phil Lombardi, Clerk  
 By   
 Deputy

Defendant: MARY ELLEN PAYNE  
Case Number: 96-CR-055-001-B

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 14 months on each of Counts 1, 2, 3, and 4. The sentences on all counts shall run concurrently, each with the other.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons before 11:00 a.m. on September 30, 1996.

**RETURN**

I have executed this Judgment as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
at \_\_\_\_\_, with a certified copy of this Judgment.

\_\_\_\_\_  
United States Marshal

By \_\_\_\_\_  
Deputy Marshal

Defendant: MARY ELLEN PAYNE  
Case Number: 96-CR-055-001-B

### **SUPERVISED RELEASE**

Upon release from imprisonment, the defendant shall be on supervised release for a term of 3 years on each of Counts 1, 2, and 3; and 1 year on Count 4, all counts to run concurrently, each with the other.

While on supervised release, the defendant shall not commit another federal, state, or local crime; shall not illegally possess a controlled substance; shall comply with the standard conditions that have been adopted by this court (set forth below); and shall comply with the following additional conditions:

1. The defendant shall report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.
3. The defendant shall not own or possess a firearm or destructive device.
4. The defendant shall abide by the "Special Financial Conditions" enumerated in Miscellaneous Order Number M-128, filed with the Clerk of the Court on March 18, 1992.

### **STANDARD CONDITIONS OF SUPERVISION**

While the defendant is on supervised release pursuant to this judgment, the defendant shall not commit another federal, state, or local crime. In addition:

- 1) The defendant shall not leave the judicial district without the permission of the court or probation officer.
- 2) The defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month.
- 3) The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.
- 4) The defendant shall support his or her dependents and meet other family responsibilities.
- 5) The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
- 6) The defendant shall notify the probation officer within seventy-two hours of any change in residence or employment.
- 7) The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician.
- 8) The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered.
- 9) The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer.
- 10) The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer.
- 11) The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer.
- 12) The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court.
- 13) As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
- 14) The defendant shall submit to urinalysis testing as directed by the U. S. Probation Office.

Defendant: MARY ELLEN PAYNE  
Case Number: 96-CR-055-001-B

**RESTITUTION AND FORFEITURE**

**RESTITUTION**

The defendant shall make restitution of \$6,000 on each of Counts 1, 2, and 3 for a total amount of \$18,000.

The defendant shall make restitution to the following persons in the following amounts:

<b><u>Name of Payee</u></b>	<b><u>Amount of Restitution</u></b>
Quapaw Public Works Authority P.O. Box 706 Quapaw, Oklahoma 74363	\$18,000.00

Payments of restitution are to be made to the United States Attorney for the Northern District of Oklahoma for transfer to the payee(s).

Restitution shall be paid in full immediately. Any amount not paid immediately shall be paid while in custody through the Bureau of Prisons' Inmate Financial Responsibility Program. Upon release from custody, any unpaid balance shall be paid as a condition of supervised release.

Any payment shall be divided proportionately among the payees named unless otherwise specified here.

Defendant: MARY ELLEN PAYNE  
Case Number: 96-CR-055-001-B

**STATEMENT OF REASONS**

The court adopts the factual findings and guideline application in the presentence report.

**Guideline Range Determined by the Court:**

Total Offense Level:	13
Criminal History Category:	I
Imprisonment Range:	12 months to 18 months - Cts. 1,2,3, & 4
Supervised Release Range:	2 to 3 years - Cts. 1,2, & 3 1 year - Ct. 4
Fine Range:	\$ 3,000 to \$ 30,000 - Cts. 1,2,3, & 4
Restitution:	\$ 36,000

The fine is waived or is below the guideline range because of the defendant's inability to pay.

Full restitution is not ordered for the following reason(s): Because of the defendant's inability to pay.

The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by application of the guidelines.

*lv*

**FILED**

**UNITED STATES DISTRICT COURT**  
**Northern District of Oklahoma**

AUG 23 1996

Phil Lombardi, Clerk  
 U.S. DISTRICT COURT

UNITED STATES OF AMERICA

v.

Case Number 96-CR-014-002-C

JAMES SCOTT SHELL  
 Defendant.

ENTERED ON DOCKET

8/26/96

**JUDGMENT IN A CRIMINAL CASE**  
**(For Offenses Committed On or After November 1, 1987)**

The defendant, JAMES SCOTT SHELL, was represented by Craig Bryant.

The defendant pleaded guilty to count(s) 1 of the Indictment on May 2, 1996. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
21 USC 846, 841 (a)(1); and 841(b)(1) to Distribute and to Distribute Methamphetamine (A)(viii)	Conspiracy to Possess Methamphetamine With Intent	02/08/96	1

As pronounced on August 20, 1996, the defendant is sentenced as provided in pages 2 through 5 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay to the United States a special assessment of \$ 50.00, for count(s) 1 of the Indictment, which shall be due immediately.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Signed this the 22<sup>nd</sup> day of Aug., 1996.

  
 The Honorable H. Dale Cook  
 United States District Judge

Defendant's SSN: 565-40-3640


Defendant's Date of Birth: 06/01/31

Defendant's residence and mailing address: P.O. Box 60, Webbers Falls, OK 74470

United States District Court )  
 Northern District of Oklahoma ) SS

I hereby certify that the foregoing  
 is a true copy of the original on file  
 in this court.

Phil Lombardi, Clerk

By   
 Deputy

Defendant: JAMES SCOTT SHELL  
Case Number: 96-CR-014-002-C

### IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 63 months.

The Court makes the following recommendations to the Bureau of Prisons: That the Bureau of Prisons designate the El Reno, Oklahoma facility as the place of service for this custody period.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons before 9:00 a.m. on October 1, 1996.

### RETURN

I have executed this Judgment as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
at \_\_\_\_\_, with a certified copy of this Judgment.

\_\_\_\_\_  
United States Marshal  
By \_\_\_\_\_  
Deputy Marshal

Defendant: JAMES SCOTT SHELL  
Case Number: 96-CR-014-002-C

### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of 3 years as to Count 1.

While on supervised release, the defendant shall not commit another federal, state, or local crime; shall not illegally possess a controlled substance; shall comply with the standard conditions that have been adopted by this court (set forth below); and shall comply with the following additional conditions:

1. The defendant shall report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.
3. The defendant shall not own or possess a firearm or destructive device.
4. The defendant shall successfully participate in a program of testing and treatment (to include inpatient) for drug and alcohol abuse, as directed by the Probation Officer, until such time as released from the program by the Probation Officer.
5. The defendant shall submit to a search conducted by a United States Probation Officer of his person, residence, vehicle, office and/or business at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. Failure to submit to a search may be grounds for revocation. The defendant shall not reside at any location without having first advised other residents that the premises may be subject to searches pursuant to this condition. Additionally, the defendant shall obtain written verification from other residents that said residents acknowledge the existence of this condition and that their failure to cooperate could result in revocation. This acknowledgement shall be provided to the U. S. Probation Office immediately upon taking residency.

### STANDARD CONDITIONS OF SUPERVISION

While the defendant is on supervised release pursuant to this judgment, the defendant shall not commit another federal, state, or local crime. In addition:

- 1) The defendant shall not leave the judicial district without the permission of the court or probation officer.
- 2) The defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month.
- 3) The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.
- 4) The defendant shall support his or her dependents and meet other family responsibilities.
- 5) The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
- 6) The defendant shall notify the probation officer within seventy-two hours of any change in residence or employment.
- 7) The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician.
- 8) The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered.
- 9) The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer.
- 10) The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer.
- 11) The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer.
- 12) The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court.
- 13) As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
- 14) The defendant shall submit to urinalysis testing as directed by the U. S. Probation Office.



Defendant: JAMES SCOTT SHELL  
Case Number: 96-CR-014-002-C

**FINE**

The Court has determined that the defendant does not have the ability to pay interest, and it is accordingly ordered that the interest requirement is waived.

The defendant shall pay a fine of \$ 1,000.00. This fine shall be paid in full immediately. Any amount not paid immediately shall be paid while in custody through the Bureau of Prisons' Inmate Financial Responsibility Program. Upon release from custody, any unpaid balance shall be paid during the term of supervised release.

If the fine is not paid, the court may sentence the defendant to any sentence which might have been originally imposed. See 18 U.S.C. § 3614.

Defendant: JAMES SCOTT SHELL  
Case Number: 96-CR-014-002-C

### STATEMENT OF REASONS

The court adopts the factual findings and guideline application in the presentence report except: The Court made a finding that the defendant distributed at least 3 kilograms but not less than 10 kilograms of methamphetamine and reduced the offense level from 33 to 31.

**Guideline Range Determined by the Court:**

Total Offense Level:	31
Criminal History Category:	II
Imprisonment Range:	121 months to 151 months - Ct. 1
Supervised Release Range:	5 years - Ct. 1
Fine Range:	\$ 15,000 to \$ 4,000,000 - Ct. 1
Restitution:	N/A

The fine is waived or is below the guideline range because of the defendant's inability to pay.

The sentence departs from the guideline range for the following reason(s): Upon motion of the government, as a result of defendant's substantial assistance.

**FILED**

**UNITED STATES DISTRICT COURT**  
**Northern District of Oklahoma**

AUG 23 1996

Phil Lombardi, Clerk  
 U.S. DISTRICT COURT

UNITED STATES OF AMERICA

v.

Case Number 95-CR-148-008-C

MICHAEL STAFFORD  
 Defendant.

ENTERED ON DOCKET

DATE 8/26/96

**JUDGMENT IN A CRIMINAL CASE**  
**(For Offenses Committed On or After November 1, 1987)**

The defendant, MICHAEL STAFFORD, was represented by Jack Marwood Short.

On motion of the United States the court has dismissed count(s) 1 of the Second Superseding Indictment.

The defendant pleaded guilty to count(s) 1 of the Information on May 2, 1996. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):


<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 USC 1952	Interstate Travel in Aid of Racketeering	08/95	1

As pronounced on August 21, 1996, the defendant is sentenced as provided in pages 2 through 5 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay to the United States a special assessment of \$ 50.00, for count(s) 1 of the Information, which shall be due immediately.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Signed this the 22<sup>nd</sup> day of Aug, 1996.

  
 The Honorable H. Dale Cook  
 United States District Judge

Defendant's SSN: 245-02-5787

Defendant's Date of Birth: 07/08/56

Defendant's mailing address: 1595 N. Central Expressway, Richardson, TX 75080

Defendant's residence address: C/O Tulsa County Jail, 500 S. Denver, Tulsa, OK 74103

United States District Court )  
 Northern District of Oklahoma )  
 I hereby certify that this document  
 is a true copy of the original on file  
 in this court.  
 Phil Lombardi, Clerk

By   
 Deputy

Defendant: MICHAEL STAFFORD  
Case Number: 95-CR-148-008-C

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 37 months.

The Court makes the following recommendations to the Bureau of Prisons: That the defendant be confined in a facility capable of offering substance treatment and that the defendant be offered this treatment.

The defendant is remanded to the custody of the United States Marshal.

**RETURN**

I have executed this Judgment as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
at \_\_\_\_\_, with a certified copy of this Judgment.

\_\_\_\_\_  
United States Marshal

By \_\_\_\_\_  
Deputy Marshal

Defendant: MICHAEL STAFFORD  
Case Number: 95-CR-148-008-C

### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of 3 years.

While on supervised release, the defendant shall not commit another federal, state, or local crime; shall not illegally possess a controlled substance; shall comply with the standard conditions that have been adopted by this court (set forth below); and shall comply with the following additional conditions:

1. The defendant shall report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.
3. The defendant shall not own or possess a firearm or destructive device.
4. The defendant shall successfully participate in a program of testing and treatment (to include inpatient) for drug and alcohol abuse, as directed by the Probation Officer, until such time as released from the program by the Probation Officer.
5. The defendant shall submit to a search conducted by a United States Probation Officer of his person, residence, vehicle, office and/or business at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. Failure to submit to a search may be grounds for revocation. The defendant shall not reside at any location without having first advised other residents that the premises may be subject to searches pursuant to this condition. Additionally, the defendant shall obtain written verification from other residents that said residents acknowledge the existence of this condition and that their failure to cooperate could result in revocation. This acknowledgement shall be provided to the U. S. Probation Office immediately upon taking residency.

### STANDARD CONDITIONS OF SUPERVISION

While the defendant is on supervised release pursuant to this judgment, the defendant shall not commit another federal, state, or local crime. In addition:

- 1) The defendant shall not leave the judicial district without the permission of the court or probation officer.
- 2) The defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month.
- 3) The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.
- 4) The defendant shall support his or her dependents and meet other family responsibilities.
- 5) The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
- 6) The defendant shall notify the probation officer within seventy-two hours of any change in residence or employment.
- 7) The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician.
- 8) The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered.
- 9) The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer.
- 10) The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer.
- 11) The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer.
- 12) The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court.
- 13) As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
- 14) The defendant shall submit to urinalysis testing as directed by the U. S. Probation Office.

Defendant: MICHAEL STAFFORD  
Case Number: 95-CR-148-008-C

**FINE**

The Court has determined that the defendant does not have the ability to pay interest, and it is accordingly ordered that the interest requirement is waived.

The defendant shall pay a fine of \$ 1,000.00. This fine shall be paid in full immediately. Any amount not paid immediately shall be paid while in custody through the Bureau of Prisons' Inmate Financial Responsibility Program. Upon release from custody, any unpaid balance shall be paid during the term of supervised release.

If the fine is not paid, the court may sentence the defendant to any sentence which might have been originally imposed. See 18 U.S.C. § 3614.

Defendant: MICHAEL STAFFORD  
Case Number: 95-CR-148-008-C

### STATEMENT OF REASONS

The court adopts the factual findings and guideline application in the presentence report except: The Court determined that the defendant was a minor participant in the offense and reduced the offense level two points pursuant to USSG § 3B1.2(b).

**Guideline Range Determined by the Court:**

Total Offense Level:	21
Criminal History Category:	I
Imprisonment Range:	37 months to 46 months - Ct.1
Supervised Release Range:	2 to 3 years - Ct. 1
Fine Range:	\$ 7,500 to \$ 75,000 - Ct. 1
Restitution:	N/A

The fine is waived or is below the guideline range because of the defendant's inability to pay.

The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by application of the guidelines.

*an*

**FILED**

**UNITED STATES DISTRICT COURT**  
**Northern District of Oklahoma**

AUG 23 1996

Phil Lombardi, Clerk  
U.S. DISTRICT COURT

UNITED STATES OF AMERICA

v.

Case Number 96-CR-014-001-C

ENTERED ON DOCKET

EDUARDO JAVIER MARTINEZ  
 Defendant.

DATE 8/26/96

**JUDGMENT IN A CRIMINAL CASE**  
**(For Offenses Committed On or After November 1, 1987)**

The defendant, EDUARDO JAVIER MARTINEZ, was represented by Mike Abel.

The defendant pleaded guilty to count(s) 1 of the Indictment on May 2, 1996. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
21 USC 846	Conspiracy to Possess Controlled Substance With Intent to Distribute, Methamphetamine	02/08/96	1

As pronounced on August 20, 1996, the defendant is sentenced as provided in pages 2 through 5 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay to the United States a special assessment of \$ 50.00, for count(s) 1 of the Indictment, which shall be due immediately.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Signed this the 22<sup>nd</sup> day of Aug, 1996.

  
 The Honorable H. Dale Cook  
 United States District Judge

Defendant's SSN: 567-77-6277

Defendant's Date of Birth: 10-23-52

Defendant's mailing address: 276 North El Camino Real, #240, Oceanside, California 92054

Defendant's residence address: C/O Tulsa County Jail, 500 S. Denver, Tulsa, OK 74103

United States District Court )  
 Northern District of Oklahoma ) SS

I hereby certify that the foregoing  
 is a true copy of the original on file  
 in this court.

Phil Lombardi, Clerk

By Beverly M. Callahan  
 Clerk



Defendant: EDUARDO JAVIER MARTINEZ  
Case Number: 96-CR-014-001-C

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 135 months.

The Court makes the following recommendations to the Bureau of Prisons: The Court recommends the Bureau of Prisons designate a facility in California near the defendant's friends and family. In addition, the Court recommends the defendant be placed in a facility that offers a substance abuse treatment program in which the defendant may participate.

The defendant is remanded to the custody of the United States Marshal.

**RETURN**

I have executed this Judgment as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
at \_\_\_\_\_, with a certified copy of this Judgment.

\_\_\_\_\_  
United States Marshal

By \_\_\_\_\_  
Deputy Marshal

Defendant: EDUARDO JAVIER MARTINEZ  
Case Number: 96-CR-014-001-C

### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of 5 years.

While on supervised release, the defendant shall not commit another federal, state, or local crime; shall not illegally possess a controlled substance; shall comply with the standard conditions that have been adopted by this court (set forth below); and shall comply with the following additional conditions:

1. The defendant shall report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.
3. The defendant shall not own or possess a firearm or destructive device.
4. The defendant shall successfully participate in a program of testing and treatment (to include inpatient) for drug and alcohol abuse, as directed by the Probation Officer, until such time as released from the program by the Probation Officer.
5. The defendant shall submit to a search conducted by a United States Probation Officer of his person, residence, vehicle, office and/or business at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. Failure to submit to a search may be grounds for revocation. The defendant shall not reside at any location without having first advised other residents that the premises may be subject to searches pursuant to this condition. Additionally, the defendant shall obtain written verification from other residents that said residents acknowledge the existence of this condition and that their failure to cooperate could result in revocation. This acknowledgement shall be provided to the U. S. Probation Office immediately upon taking residency.
6. The defendant shall comply with any and all instructions given to him by the Immigration and Naturalization Service concerning deportation and/or deportation proceedings. If the defendant is deported from the United States at the conclusion of the term of imprisonment imposed in this case, he shall not illegally re-enter the United States. If the defendant is deported and re-enters the United States, either legally or illegally during the term of supervised release, he shall report to the U.S. Probation Office closest to his point of entry within 72 hours.

### STANDARD CONDITIONS OF SUPERVISION

While the defendant is on supervised release pursuant to this judgment, the defendant shall not commit another federal, state, or local crime. In addition:

- 1) The defendant shall not leave the judicial district without the permission of the court or probation officer.
- 2) The defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month.
- 3) The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.
- 4) The defendant shall support his or her dependents and meet other family responsibilities.
- 5) The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
- 6) The defendant shall notify the probation officer within seventy-two hours of any change in residence or employment.
- 7) The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician.
- 8) The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered.
- 9) The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer.
- 10) The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer.
- 11) The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer.
- 12) The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court.
- 13) As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
- 14) The defendant shall submit to urinalysis testing as directed by the U. S. Probation Office.

Defendant: EDUARDO JAVIER MARTINEZ  
Case Number: 96-CR-014-001-C

**FINE**

The Court has determined that the defendant does not have the ability to pay interest, and it is accordingly ordered that the interest requirement is waived.

The defendant shall pay a fine of \$ 2,000.00. This fine shall be paid in full immediately. Any amount not paid immediately shall be paid while in custody through the Bureau of Prisons' Inmate Financial Responsibility Program. Upon release from custody, any unpaid balance shall be paid during the term of supervised release.

If the fine is not paid, the court may sentence the defendant to any sentence which might have been originally imposed. See 18 U.S.C. § 3614.

Defendant: EDUARDO JAVIER MARTINEZ  
Case Number: 96-CR-014-001-C

**STATEMENT OF REASONS**

The court adopts the factual findings and guideline application in the presentence report except: The Court finds the defendant possessed with intent to distribute less than 10 kilograms of methamphetamine. Accordingly, the offense level is 31.

**Guideline Range Determined by the Court:**

Total Offense Level:	31
Criminal History Category:	III
Imprisonment Range:	135 months to 168 months - Ct. 1
Supervised Release Range:	5 years - Ct. 1
Fine Range:	\$ 15,000 to \$ 4,000,000 - Ct. 1
Restitution:	N/A

The fine is waived or is below the guideline range because of the defendant's inability to pay.

The sentence is within the guideline range, that range exceeds 24 months, and the sentence is imposed for the following reason(s): The defendant has attempted to cooperate with the government and his criminal record consists primarily of misdemeanor offenses.



~~FILED~~UNITED STATES DISTRICT COURT  
Northern District of Oklahoma

AUG 23 1996

Phil Lombardi, Clerk  
U.S. DISTRICT COURT

UNITED STATES OF AMERICA

v.

Case Number 96-CR-006-001-C

ENTERED ON DOCKET

ROBERT MICHAEL SCOTT  
Defendant.DATE 8/26/96**JUDGMENT IN A CRIMINAL CASE**  
(For Offenses Committed On or After November 1, 1987)

The defendant, ROBERT MICHAEL SCOTT, was represented by Allen M. Smallwood.

The defendant pleaded guilty to count(s) 1 of the Information on May 14, 1996. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
26 USC 7206(1)	Willfully Making and Subscribing to a False Income Tax Return	03/06/91	1

As pronounced on August 20, 1996, the defendant is sentenced as provided in pages 2 through 4 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay to the United States a special assessment of \$ 50.00, for count(s) 1 of the Information, which shall be due immediately.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Signed this the 23 day of August, 1996.
  
 The Honorable H. Dale Cook  
 United States District Judge

 Defendant's SSN: 445-48-5130  
 Defendant's Date of Birth: 07/12/47  
 Defendant's residence and mailing address: 3202 East 93rd St., Tulsa, OK 74137

 United States District Court )  
 Northern District of Oklahoma ) SS  
 I hereby certify that the foregoing  
 is a true copy of the original on file  
 in this court. Phil Lombardi, Clerk

 By   
 Deputy

Defendant: ROBERT MICHAEL SCOTT  
Case Number: 96-CR-006-001-C

### PROBATION

The defendant is hereby placed on probation for a term of 5 year(s).

While on probation, the defendant shall not commit another federal, state, or local crime; shall not illegally possess a controlled substance; shall comply with the standard conditions that have been adopted by this court (set forth below); and shall comply with the following additional conditions:

1. If this judgment imposes a fine, special assessment, costs or restitution obligation, it shall be a condition of probation that the defendant pay any such fine, assessment, costs and restitution.
2. The defendant shall not own or possess a firearm or destructive device.
3. The defendant shall abide by the "Special Financial Conditions" enumerated in Miscellaneous Order Number M-128, filed with the Clerk of the Court on March 18, 1992.
4. The defendant shall abide by the Internal Revenue laws of the United States.

### STANDARD CONDITIONS OF PROBATION

While the defendant is on probation pursuant to this judgment, the defendant shall not commit another federal, state or local crime. In addition:

- 1) The defendant shall not leave the judicial district without the permission of the court or probation officer.
- 2) The defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month.
- 3) The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.
- 4) The defendant shall support his or her dependents and meet other family responsibilities.
- 5) The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
- 6) The defendant shall notify the probation officer within seventy-two hours of any change in residence or employment.
- 7) The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician.
- 8) The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered.
- 9) The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer.
- 10) The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer.
- 11) The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer.
- 12) The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court.
- 13) As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
- 14) The defendant shall submit to urinalysis testing as directed by the U. S. Probation Office.

Defendant: ROBERT MICHAEL SCOTT  
Case Number: 96-CR-006-001-C

**FINE**

The Court has determined that the defendant does not have the ability to pay interest, and it is accordingly ordered that the interest requirement is waived.

The defendant shall pay a fine of \$ 1,000.00. This fine shall be paid in full immediately. Any amount not paid immediately shall be paid during the period of probation.

If the fine is not paid, the court may sentence the defendant to any sentence which might have been originally imposed. See 18 U.S.C. § 3614.

Defendant: ROBERT MICHAEL SCOTT  
Case Number: 96-CR-006-001-C

**STATEMENT OF REASONS**

The court adopts the factual findings and guideline application in the presentence report.

**Guideline Range Determined by the Court:**

Total Offense Level:	12
Criminal History Category:	I
Imprisonment Range:	10 months to 16 months - Ct.1
Supervised Release Range:	1 years - Ct. 1
Fine Range:	\$ 3,000 to \$ 351,366 - Ct. 1
Restitution:	N/A

The fine is waived or is below the guideline range because of the defendant's inability to pay.

The sentence departs from the guideline range for the following reason(s): Upon motion of the government, as a result of defendant's substantial assistance.





**FILED**

**UNITED STATES DISTRICT COURT**  
**Northern District of Oklahoma**

AUG 23 1996

Phil Lombardi, Clerk  
U.S. DISTRICT COURT

UNITED STATES OF AMERICA

v.

Case Number 96-CR-066-001-C

MICHAEL DON RICHARDSON  
 Defendant.

FILED ON DOCKET  
 DATE 8/26/96

**JUDGMENT IN A CRIMINAL CASE**  
**(For Offenses Committed On or After November 1, 1987)**

The defendant, MICHAEL DON RICHARDSON, was represented by Steve Knorr.

The defendant pleaded guilty to count(s) 1 of the Indictment on May 22, 1996. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

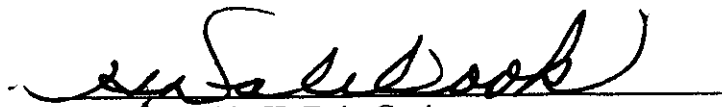
<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 USC 922(g)(1)	Possession of Firearm After Former Conviction of a Felony	12/13/95	1

As pronounced on August 20, 1996, the defendant is sentenced as provided in pages 2 through 4 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay to the United States a special assessment of \$ 50.00, for count(s) 1 of the Indictment, which shall be due immediately.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Signed this the 23 day of August, 1996.

  
 The Honorable H. Dale Cook  
 United States District Judge

Defendant's SSN: 444-60-0906

Defendant's Date of Birth: 01/17/58

Defendant's residence and mailing address: 63 North Yorktown Ave., Tulsa, OK 74110

United States District Court )  
 Northern District of Oklahoma ) SS

I hereby certify that the foregoing  
 is a true copy of the original on file  
 in this court.

Phil Lombardi, Clerk

By   
 Deputy

Defendant: MICHAEL DON RICHARDSON  
Case Number: 96-CR-066-001-C

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 24 months.

The Court makes the following recommendations to the Bureau of Prisons: That the Bureau of Prisons designate a facility providing substance abuse treatment.

The defendant is remanded to the custody of the United States Marshal.

**RETURN**

I have executed this Judgment as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
at \_\_\_\_\_, with a certified copy of this Judgment.

\_\_\_\_\_  
United States Marshal

By \_\_\_\_\_  
Deputy Marshal

Defendant: MICHAEL DON RICHARDSON  
Case Number: 96-CR-066-001-C

### **SUPERVISED RELEASE**

Upon release from imprisonment, the defendant shall be on supervised release for a term of 3 years.

While on supervised release, the defendant shall not commit another federal, state, or local crime; shall not illegally possess a controlled substance; shall comply with the standard conditions that have been adopted by this court (set forth below); and shall comply with the following additional conditions:

1. The defendant shall report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.
3. The defendant shall not own or possess a firearm or destructive device.
4. The defendant shall successfully participate in a program of testing and treatment (to include inpatient) for drug and alcohol abuse, as directed by the Probation Officer, until such time as released from the program by the Probation Officer.
5. The defendant shall submit to a search conducted by a United States Probation Officer of his person, residence, vehicle, office and/or business at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. Failure to submit to a search may be grounds for revocation. The defendant shall not reside at any location without having first advised other residents that the premises may be subject to searches pursuant to this condition. Additionally, the defendant shall obtain written verification from other residents that said residents acknowledge the existence of this condition and that their failure to cooperate could result in revocation. This acknowledgement shall be provided to the U. S. Probation Office immediately upon taking residency.

### **STANDARD CONDITIONS OF SUPERVISION**

While the defendant is on supervised release pursuant to this judgment, the defendant shall not commit another federal, state, or local crime. In addition:

- 1) The defendant shall not leave the judicial district without the permission of the court or probation officer.
- 2) The defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month.
- 3) The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.
- 4) The defendant shall support his or her dependents and meet other family responsibilities.
- 5) The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
- 6) The defendant shall notify the probation officer within seventy-two hours of any change in residence or employment.
- 7) The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician.
- 8) The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered.
- 9) The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer.
- 10) The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer.
- 11) The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer.
- 12) The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court.
- 13) As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
- 14) The defendant shall submit to urinalysis testing as directed by the U. S. Probation Office.

Defendant: MICHAEL DON RICHARDSON  
Case Number: 96-CR-066-001-C

**STATEMENT OF REASONS**

The court adopts the factual findings and guideline application in the presentence report.

**Guideline Range Determined by the Court:**

Total Offense Level:	12
Criminal History Category:	IV
Imprisonment Range:	21 months to 27 months - Ct. 1
Supervised Release Range:	2 to 3 years - Ct. 1
Fine Range:	\$ 3,000 to \$ 30,000 - Ct. 1
Restitution:	N/A

The fine is waived or is below the guideline range because of the defendant's inability to pay due to arrearage of child support.

The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by application of the guidelines.



**FILED**

**UNITED STATES DISTRICT COURT**    **AUG 23 1996**  
**Northern District of Oklahoma**

Phil Lombardi, Clerk  
 U.S. DISTRICT COURT

UNITED STATES OF AMERICA

v.

Case Number 95-CR-148-004-C

CHAUNCY EDWARD SCOTT  
 Defendant.

ENTERED ON DOCKET  
 DATE 8/26/96

**JUDGMENT IN A CRIMINAL CASE**  
**(For Offenses Committed On or After November 1, 1987)**

The defendant, CHAUNCY EDWARD SCOTT, was represented by Thomas D. McCormick.

On motion of the United States the court has dismissed count(s) 1 of the Superseding Indictment.

The defendant pleaded guilty to count(s) 1 of the Information on May 22, 1996. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 USC 1952	Interstate Travel in Aid of Racketeering	08/31/94	1

As pronounced on August 20, 1996, the defendant is sentenced as provided in pages 2 through 5 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

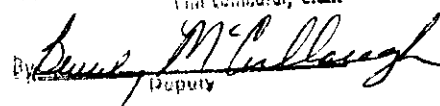
It is ordered that the defendant shall pay to the United States a special assessment of \$ 50.00, for count(s) 1 of the Information, which shall be due immediately.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Signed this the 23 day of August, 1996.

  
 The Honorable H. Dale Cook  
 United States District Judge

Defendant's SSN: 448-58-5048  
 Defendant's Date of Birth: 12/29/54  
 Defendant's residence and mailing address: 807 Denver, Muskogee, OK 74401

United States District Court )  
 Northern District of Oklahoma ) SS  
 I hereby certify that the foregoing  
 is a true copy of the original on file  
 in this court.  
 Phil Lombardi, Clerk  
  
 Deputy

Defendant: CHAUNCY EDWARD SCOTT  
Case Number: 95-CR-148-004-C

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 60 months.

The Court makes the following recommendations to the Bureau of Prisons: That the Bureau of Prisons designate an institution providing comprehensive substance abuse treatment.

The defendant is remanded to the custody of the United States Marshal.

**RETURN**

I have executed this Judgment as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
at \_\_\_\_\_, with a certified copy of this Judgment.

\_\_\_\_\_  
United States Marshal

By \_\_\_\_\_  
Deputy Marshal

Defendant: CHAUNCY EDWARD SCOTT  
Case Number: 95-CR-148-004-C

### **SUPERVISED RELEASE**

Upon release from imprisonment, the defendant shall be on supervised release for a term of 3 years.

While on supervised release, the defendant shall not commit another federal, state, or local crime; shall not illegally possess a controlled substance; shall comply with the standard conditions that have been adopted by this court (set forth below); and shall comply with the following additional conditions:

1. The defendant shall report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.
3. The defendant shall not own or possess a firearm or destructive device.
4. The defendant shall successfully participate in a program of testing and treatment (to include inpatient) for drug and alcohol abuse, as directed by the Probation Officer, until such time as released from the program by the Probation Officer.
5. The defendant shall submit to a search conducted by a United States Probation Officer of his person, residence, vehicle, office and/or business at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. Failure to submit to a search may be grounds for revocation. The defendant shall not reside at any location without having first advised other residents that the premises may be subject to searches pursuant to this condition. Additionally, the defendant shall obtain written verification from other residents that said residents acknowledge the existence of this condition and that their failure to cooperate could result in revocation. This acknowledgement shall be provided to the U. S. Probation Office immediately upon taking residency.

### **STANDARD CONDITIONS OF SUPERVISION**

While the defendant is on supervised release pursuant to this judgment, the defendant shall not commit another federal, state, or local crime. In addition:

- 1) The defendant shall not leave the judicial district without the permission of the court or probation officer.
- 2) The defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month.
- 3) The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.
- 4) The defendant shall support his or her dependents and meet other family responsibilities.
- 5) The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
- 6) The defendant shall notify the probation officer within seventy-two hours of any change in residence or employment.
- 7) The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician.
- 8) The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered.
- 9) The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer.
- 10) The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer.
- 11) The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer.
- 12) The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court.
- 13) As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
- 14) The defendant shall submit to urinalysis testing as directed by the U. S. Probation Office.

Defendant: CHAUNCY EDWARD SCOTT  
Case Number: 95-CR-148-004-C

**FINE**

The Court has determined that the defendant does not have the ability to pay interest, and it is accordingly ordered that the interest requirement is waived.

The defendant shall pay a fine of \$ 1,000.00. This fine shall be paid in full immediately. Any amount not paid immediately shall be paid while in custody through the Bureau of Prisons' Inmate Financial Responsibility Program. Upon release from custody, any unpaid balance shall be paid during the term of supervised release.

If the fine is not paid, the court may sentence the defendant to any sentence which might have been originally imposed. See 18 U.S.C. § 3614.



Defendant: CHAUNCY EDWARD SCOTT  
Case Number: 95-CR-148-004-C

### STATEMENT OF REASONS

The court adopts the factual findings and guideline application in the presentence report.

**Guideline Range Determined by the Court:**

Total Offense Level:	29
Criminal History Category:	III
Imprisonment Range:	60 months - Ct. 1
Supervised Release Range:	2 to 3 years - Ct. 1
Fine Range:	\$ 15,000 to \$ 150,000 - Ct. 1
Restitution:	N/A

The fine is waived or is below the guideline range because of the defendant's inability to pay.

The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by application of the guidelines.



UNITED STATES DISTRICT COURT  
Northern District of Oklahoma  
ENTERED ON DOCKET

UNITED STATES OF AMERICA

DATE 8-26-96

Case Number 96-CR-27-001-K

**FILED**  
AUG 21 1996  
Phil Lombardi, Clerk  
U.S. DISTRICT COURT

v.

JOSE HERNANDEZ DeLEON  
Defendant.

**JUDGMENT IN A CRIMINAL CASE**  
(For Offenses Committed On or After November 1, 1987)

The defendant, JOSE HERNANDEZ DeLEON, was represented by Stanley D. Monroe.

The defendant pleaded guilty to count(s) 1 of the Superseding Indictment on May 17, 1996. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):


Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
21 USC 841(a)(1) & 18:2	Distribution of Marijuana and Aiding & Abetting	02/13/96	1

As pronounced on August 16, 1996, the defendant is sentenced as provided in pages 2 through 5 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay to the United States a special assessment of \$ 50.00, for count(s) 1 of the Superseding Indictment, which shall be due immediately.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Signed this the 21 day of August, 1996.

  
The Honorable Jerry C. Kern  
United States District Judge

Defendant's SSN: 448-76-4144  
Defendant's Date of Birth: 10/15/61  
Defendant's residence and mailing address: 9819 E. 7th St., Tulsa, OK 74128

Defendant: JOSE HERNANDEZ DeLEON  
Case Number: 96-CR-27-001-K

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 136 months.

The defendant is remanded to the custody of the United States Marshal.

**RETURN**

I have executed this Judgment as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
at \_\_\_\_\_, with a certified copy of this Judgment.

\_\_\_\_\_  
United States Marshal

By \_\_\_\_\_  
Deputy Marshal

Defendant: JOSE HERNANDEZ DeLEON

Case Number: 96-CR-27-001-K

### **SUPERVISED RELEASE**

Upon release from imprisonment, the defendant shall be on supervised release for a term of 8 years.

While on supervised release, the defendant shall not commit another federal, state, or local crime; shall not illegally possess a controlled substance; shall comply with the standard conditions that have been adopted by this court (set forth below); and shall comply with the following additional conditions:

1. The defendant shall report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.
3. The defendant shall not own or possess a firearm or destructive device.
4. The defendant shall successfully participate in a program of testing and treatment (to include inpatient) for drug and alcohol abuse, as directed by the Probation Officer, until such time as released from the program by the Probation Officer.
5. The defendant shall submit to a search conducted by a United States Probation Officer of his person, residence, vehicle, office and/or business at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. Failure to submit to a search may be grounds for revocation. The defendant shall not reside at any location without having first advised other residents that the premises may be subject to searches pursuant to this condition. Additionally, the defendant shall obtain written verification from other residents that said residents acknowledge the existence of this condition and that their failure to cooperate could result in revocation. This acknowledgement shall be provided to the U. S. Probation Office immediately upon taking residency.

### **STANDARD CONDITIONS OF SUPERVISION**

While the defendant is on supervised release pursuant to this judgment, the defendant shall not commit another federal, state, or local crime. In addition:

- 1) The defendant shall not leave the judicial district without the permission of the court or probation officer.
- 2) The defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month.
- 3) The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.
- 4) The defendant shall support his or her dependents and meet other family responsibilities.
- 5) The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
- 6) The defendant shall notify the probation officer within seventy-two hours of any change in residence or employment.
- 7) The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician.
- 8) The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered.
- 9) The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer.
- 10) The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer.
- 11) The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer.
- 12) The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court.
- 13) As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
- 14) The defendant shall submit to urinalysis testing as directed by the U. S. Probation Office.

Defendant: JOSE HERNANDEZ DeLEON  
Case Number: 96-CR-27-001-K

**FINE**

The Court has determined that the defendant does not have the ability to pay interest, and it is accordingly ordered that the interest requirement is waived.

The defendant shall pay a fine of \$ 18,000.00. This fine shall be paid in full immediately. Any amount not paid immediately shall be paid while in custody through the Bureau of Prisons' Inmate Responsibility Program. Upon release from custody, any unpaid balance shall be paid during the term of supervised release.

If the fine is not paid, the court may sentence the defendant to any sentence which might have been originally imposed. See 18 U.S.C. § 3614.

Defendant: JOSE HERNANDEZ DeLEON  
Case Number: 96-CR-27-001-K

**STATEMENT OF REASONS**

The court adopts the factual findings and guideline application in the presentence report except: The Court finds that the defendant did not possess a firearm during the commission of the offense and accordingly, does not apply the 2 point enhancement under § 2D1.1(b)(1).

**Guideline Range Determined by the Court:**

Total Offense Level:	30
Criminal History Category:	III
Imprisonment Range:	121 months to 151 months - Ct. 1
Supervised Release Range:	8 to 8 years - Ct. 1
Fine Range:	\$ 15,000 to \$ 4,000,000 - Ct. 1
Restitution:	N/A

The sentence is within the guideline range, that range exceeds 24 months, and the sentence is imposed for the following reason(s): Sentence imposed in the middle of the guideline range to provide for just punishment and to act as a deterrent against further involvement in drug related offenses.

**F I L E D**

IN THE UNITED STATES DISTRICT COURT FOR  
THE NORTHERN DISTRICT COURT OF OKLAHOMA

AUG 23 1996

Phil Lombardi, Clerk  
U.S. DISTRICT COURT

UNITED STATES OF AMERICA  
Plaintiff,

vs.

JOSEPH GERALD McELROY  
Defendant.

)  
)  
)  
)  
)  
)  
)

Docket No. 89-CR-036-006-C

ENTERED ON DOCKET

DATE 8/23/96

ORDER ON REVOCATION AND MODIFICATION  
OF CONDITIONS OF PROBATION

Now on this 21st day of August 1996, this cause comes on for a revocation hearing on allegations of violation of probation as set out in the Superseding Petition on Probation filed on June 28, 1996. The defendant is present in person and with his attorney, Keith Ward. The Government is represented by Assistant United States Attorney Kevin Leitch, and the United States Probation Office is represented by Bradford Stewart.

The defendant was heretofore, on November 9, 1989, convicted by Jury in Count One which charged Conspiracy, in violation of 18 U.S.C. § 371, Counts Two through Twenty-three which charged Wire Fraud and Aiding and Abetting, in violation of 18 U.S.C. §§ 1343 and 2, and Counts Twenty-four through Twenty-six which charged Misapplication of Bank Funds and Aiding and Abetting, in violation of 18 U.S.C. §§ 656 and 2.

McElroy was sentenced to a four year period of confinement in Count One, followed by concurrent five year probation terms as to Counts Two through Twenty-six. He began service of the probation terms on August 5, 1993.

United States District Court )  
Northern District of Oklahoma ) SS

I hereby certify that the foregoing  
is a true copy of the original on file  
in this court.

Phil Lombardi, Clerk

By Deputy M. Cullough  
Deputy

At the hearing, the defendant admitted to violations of the probation conditions as outlined in allegation numbers Two through Five of the Superseding Petition, and admitted to the facts as presented in allegation number One, while denying any intent to defraud. The Court finds the defendant in violation of the conditions of probation as outlined in the Superseding Petition, hereby revokes the term of probation as to Count Two only, and imposes sentence as follows:

It is adjudged and ordered by the Court that the defendant is sentenced to the custody of the Attorney General as to Count Two for a term of three (3) years. As to the remaining Counts Three through Twenty-six, the Court ordered said counts to become inactive pursuant to 18 USC § 3564(b), and upon the defendant's release from custody in Count Two, the remaining Counts Three through Twenty-six shall recommence with credit for time served.

Furthermore, the Court finds based on evidence presented in the Superseding Petition that conditions of probation in Counts Three through Twenty-six should be modified. Accordingly, pursuant to 18 USC § 3563(b)(22) and (c) it is adjudged and ordered by the Court that the following special conditions of probation shall supplement the standard conditions originally imposed, to wit:

1. You shall abide by the Special Financial Conditions adopted by this Court in Miscellaneous Order M-128, dated March 18, 1992.
2. You shall be subject to the Special Search and Seizure Condition adopted by this Court in Miscellaneous Order M-128, dated May 25, 1995.



3. All employment must be approved in advance by the U.S. Probation Officer, and you shall disclose your criminal convictions to all prospective employers. You are prohibited from accepting any employment, or from engaging in any form of self-employment which would give you access to cash or other negotiable instruments belonging to others.

The defendant is ordered to surrender to the facility designated by the Bureau of Prisons to begin service of the custody sentence on September 23, 1996, at 9:00 a.m. Bond and conditions of release remain as previously set, and McElroy is instructed to surrender his passport to the U.S. Pretrial Services Office in Philadelphia, Pennsylvania, within 24 hours of his return to the Eastern District of Pennsylvania.

A handwritten signature in black ink, appearing to read "H. Dale Cook", written over a horizontal line.

H. Dale Cook  
United States District Judge

**FILED**

**UNITED STATES DISTRICT COURT**  
**Northern District of Oklahoma**

AUG 21 1996

Phil Lombardi, Clerk  
U.S. DISTRICT COURT

UNITED STATES OF AMERICA

v.

Case Number 96-CR-019-001-B

JERRY WAYNE HAMILTON  
 Defendant.

ENTERED ON DOCKET

DATE AUG 21 1996

**JUDGMENT IN A CRIMINAL CASE**  
**(For Offenses Committed On or After November 1, 1987)**

The defendant, JERRY WAYNE HAMILTON, was represented by Craig Bryant.

On motion of the United States the court has dismissed count(s) 2 of the Indictment.

The defendant pleaded guilty to count(s) 1 of the Indictment on June 13, 1996. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

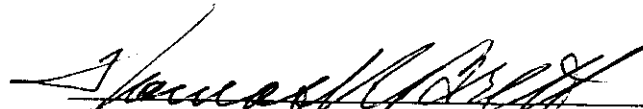
<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 USC 924(c)	Possession of a Firearm During a Drug Trafficking Crime	11/14/95	1

As pronounced on August 16, 1996, the defendant is sentenced as provided in pages 2 through 5 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay to the United States a special assessment of \$ 50.00, for count(s) 1 of the Indictment, which shall be due immediately.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.


Signed this the 21<sup>st</sup> day of August, 1996.

  
 The Honorable Thomas R. Brett, Chief  
 United States District Judge

United States District Court )  
 Northern District of Oklahoma ) SS

I hereby certify that the foregoing  
 is a true copy of the original on file  
 in this court.

Phil Lombardi, Clerk

By   
 Deputy

Defendant's SSN: 430-37-8136

Defendant's Date of Birth: 11/06/62

Defendant's mailing address: 28425½ E. 126th St., Coweta, OK 74429

Defendant's residence address: C/O Tulsa County Jail, 500 S. Denver, Tulsa, OK 74103

Defendant: JERRY WAYNE HAMILTON  
Case Number: 96-CR-019-001-B

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 60 months to run consecutive to any other state or federal sentence of imprisonment.

The Court makes the following recommendations to the Bureau of Prisons: That the defendant be confined in a facility which offers substance abuse treatment.

The defendant is remanded to the custody of the United States Marshal.

**RETURN**

I have executed this Judgment as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
at \_\_\_\_\_, with a certified copy of this Judgment.

\_\_\_\_\_  
United States Marshal

By \_\_\_\_\_  
Deputy Marshal

Defendant: JERRY WAYNE HAMILTON

Case Number: 96-CR-019-001-B

### **SUPERVISED RELEASE**

Upon release from imprisonment, the defendant shall be on supervised release for a term of 3 years.

While on supervised release, the defendant shall not commit another federal, state, or local crime; shall not illegally possess a controlled substance; shall comply with the standard conditions that have been adopted by this court (set forth below); and shall comply with the following additional conditions:

1. The defendant shall report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.
3. The defendant shall not own or possess a firearm or destructive device.
4. The defendant shall successfully participate in a program of testing and treatment (to include inpatient) for drug and alcohol abuse, as directed by the Probation Officer, until such time as released from the program by the Probation Officer.
5. The defendant shall submit to a search conducted by a United States Probation Officer of his person, residence, vehicle, office and/or business at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. Failure to submit to a search may be grounds for revocation. The defendant shall not reside at any location without having first advised other residents that the premises may be subject to searches pursuant to this condition. Additionally, the defendant shall obtain written verification from other residents that said residents acknowledge the existence of this condition and that their failure to cooperate could result in revocation. This acknowledgement shall be provided to the U. S. Probation Office immediately upon taking residency.

### **STANDARD CONDITIONS OF SUPERVISION**

While the defendant is on supervised release pursuant to this judgment, the defendant shall not commit another federal, state, or local crime. In addition:

- 1) The defendant shall not leave the judicial district without the permission of the court or probation officer.
- 2) The defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month.
- 3) The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.
- 4) The defendant shall support his or her dependents and meet other family responsibilities.
- 5) The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
- 6) The defendant shall notify the probation officer within seventy-two hours of any change in residence or employment.
- 7) The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician.
- 8) The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered.
- 9) The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer.
- 10) The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer.
- 11) The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer.
- 12) The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court.
- 13) As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
- 14) The defendant shall submit to urinalysis testing as directed by the U. S. Probation Office.

Defendant: JERRY WAYNE HAMILTON  
Case Number: 96-CR-019-001-B

**FINE**

The Court has determined that the defendant does not have the ability to pay interest, and it is accordingly ordered that the interest requirement is waived.

The defendant shall pay a fine of \$ 2,500.00. This fine shall be paid in full immediately. Any amount not paid immediately shall be paid while in custody through the Bureau of Prisons' Inmate Financial Responsibility Program. Upon release from custody, any unpaid balance shall be paid during the term of supervised release.

If the fine is not paid, the court may sentence the defendant to any sentence which might have been originally imposed. See 18 U.S.C. § 3614.

Defendant: JERRY WAYNE HAMILTON  
Case Number: 96-CR-019-001-B

**STATEMENT OF REASONS**

The court adopts the factual findings and guideline application in the presentence report.

**Guideline Range Determined by the Court:**

Total Offense Level:	N/A
Criminal History Category:	N/A
Imprisonment Range:	60 months - Ct. 1
Supervised Release Range:	2 to 3 years - Ct. 1
Fine Range:	Up to \$ 250,000 - Ct. 1
Restitution:	N/A

The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by application of the guidelines.

UNITED STATES DISTRICT COURT  
Northern District of Oklahoma

ENTERED ON DOCKET

UNITED STATES OF AMERICA

DATE 8-30-96

v.

Case Number 96-CR-001-001-K

MARY SUE TOURTILLOTT  
Defendant.

**FILED**

AUG 20 1996

**JUDGMENT IN A CRIMINAL CASE**

(For Offenses Committed On or After November 1, 1987)

Phil Lombardi, Clerk  
U.S. DISTRICT COURT

The defendant, MARY SUE TOURTILLOTT, was represented by Regina Stephenson.

On motion of the United States the court has dismissed count(s) 1-44 and 46-53 of the Indictment.

The defendant pleaded guilty on May 14, 1996, to count(s) 45 and 54 of the Indictment. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):


<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18:1344	Bank Fraud	8/18/94	45
18:1014	False Statement to a Financial Institution	10/18/94	54

As pronounced on August 13, 1996, the defendant is sentenced as provided in pages 2 through 5 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay to the United States a special assessment of \$100, for count(s) 45 and 54 of the Indictment, which shall be due immediately.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Signed this the 19 day of August, 1996.

  
The Honorable Terry C. Kern  
United States District Judge

Defendant's SSN: 490-60-1522

Defendant's Date of Birth: 6/6/53

Defendant's residence and mailing address: 0153 Carriage Hills, Afton, Oklahoma 74331

Defendant: MARY SUE TOURTILLOTT  
Case Number: 96-CR-001-001-K

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 15 months as to Counts 45 and 54, to run concurrently, each with the other.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons before 12:00 p.m. on January 2, 1997.

**RETURN**

I have executed this Judgment as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
at \_\_\_\_\_, with a certified copy of this Judgment.

\_\_\_\_\_  
United States Marshal  
By \_\_\_\_\_  
Deputy Marshal



Defendant: MARY SUE TOURTILLOTT

Case Number: 96-CR-001-001-K

**SUPERVISED RELEASE**

Upon release from imprisonment, the defendant shall be on supervised release for a term of 5 years as to Counts 45 and 54 to run concurrently, each with the other.

While on supervised release, the defendant shall not commit another federal, state, or local crime; shall not illegally possess a controlled substance; shall comply with the standard conditions that have been adopted by this court (set forth below); and shall comply with the following additional conditions:

1. The defendant shall report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.
3. The defendant shall not own or possess a firearm or destructive device.
4. The defendant shall submit to a search conducted by a United States Probation Officer of his person, residence, vehicle, office and/or business at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. Failure to submit to a search may be grounds for revocation. The defendant shall not reside at any location without having first advised other residents that the premises may be subject to searches pursuant to this condition. Additionally, the defendant shall obtain written verification from other residents that said residents acknowledge the existence of this condition and that their failure to cooperate could result in revocation. This acknowledgement shall be provided to the U. S. Probation Office immediately upon taking residency.
5. The defendant shall abide by the "Special Financial Conditions" enumerated in Miscellaneous Order Number M-128, filed with the Clerk of the Court on March 18, 1992.
6. You are prohibited from engaging in any form of employment which would give you access to bank accounts, securities, or other negotiable assets of any individual, business, or other entity. All employment shall be approved in advance by the U.S. Probation Officer. Further, you shall advise any and all employers of previous criminal convictions.

**STANDARD CONDITIONS OF SUPERVISION**

While the defendant is on supervised release pursuant to this judgment, the defendant shall not commit another federal, state, or local crime. In addition:

- 1) The defendant shall not leave the judicial district without the permission of the court or probation officer.
- 2) The defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month.
- 3) The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.
- 4) The defendant shall support his or her dependents and meet other family responsibilities.
- 5) The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
- 6) The defendant shall notify the probation officer within seventy-two hours of any change in residence or employment.
- 7) The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician.
- 8) The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered.
- 9) The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer.
- 10) The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer.
- 11) The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer.
- 12) The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court.
- 13) As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
- 14) The defendant shall submit to urinalysis testing as directed by the U. S. Probation Office.

Defendant: MARY SUE TOURTILLOTT  
Case Number: 96-CR-001-001-K

**RESTITUTION AND FORFEITURE**

**RESTITUTION**

The defendant shall make restitution in the total amount of \$18,000.

The defendant shall make restitution to the following persons in the following amounts:

<b><u>Name of Payee</u></b>	<b><u>Amount of Restitution</u></b>
Dr. R. Randall Sukman 5050 Port Duncan Afton, OK	\$16,200
First State Bank 101 Mickey Mantle Blvd. Commerce, OK	900
Sears P.O. Box 29208 Phoenix, AZ 85038-9208	360
GM Card Attn: Collections P.O. Box 51014 Carol Stream, IL 60125-1014	540

Payments of restitution are to be made to the United States Attorney for transfer to the payee(s).

Restitution shall be paid in full immediately. Any amount not paid immediately shall be paid while in custody through the Bureau of Prisons' Inmate Financial Responsibility Program. Upon release from custody, any unpaid balance shall be paid as a condition of supervised release.

Any payment shall be divided proportionately among the payees named unless otherwise specified here.

Defendant: MARY SUE TOURTILLOTT  
Case Number: 96-CR-001-001-K

**STATEMENT OF REASONS**

The court adopts the factual findings and guideline application in the presentence report.

**Guideline Range Determined by the Court:**

Total Offense Level:	13
Criminal History Category:	I
Imprisonment Range:	12 months to 18 months - Cts. 45 & 54
Supervised Release Range:	3 to 5 years - Cts. 45 & 54
Fine Range:	\$ 3,000 to \$ 2,000,000 - Cts. 45 & 54
Restitution:	\$ \$136,657.62

The fine is waived or is below the guideline range because of the defendant's inability to pay.

Full restitution is not ordered for the following reason(s): Defendant's inability to pay.

The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by application of the guidelines.



UNITED STATES DISTRICT COURT  
Northern District of Oklahoma

ENTERED ON DOCKET  
AUG 20 1996  
DATE

UNITED STATES OF AMERICA

v.

Case Number 95-CR-120-001-H

PAMELA SIMPSON  
Defendant.

JUDGMENT IN A CRIMINAL CASE  
(For Offenses Committed On or After November 1, 1987)

FILED  
AUG 19 1996  
Phil Lombardi, Clerk  
U.S. DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

The defendant, PAMELA SIMPSON, was represented by Stephen J. Knorr.

On motion of the United States the court has dismissed count(s) 1-6 of the Indictment.

The defendant pleaded guilty to count(s) 7 of the Indictment on November 6, 1995. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):


Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
18 USC 1029(a)(2)	Use of Unauthorized Access Device to Obtain Items of An Aggregate Value of more than \$1,000	09/10/94	7

As pronounced on August 9, 1996, the defendant is sentenced as provided in pages 2 through 3 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

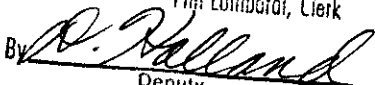
It is ordered that the defendant shall pay to the United States a special assessment of \$ 50.00, for count(s) 7 of the Indictment, which shall be due immediately.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Signed this the 19<sup>TH</sup> day of August, 1996.

  
The Honorable Sven Erik Holmes  
United States District Judge

Defendant's SSN: 364-80-0361  
Defendant's Date of Birth: 07/03/61  
Defendant's residence and mailing address: 23 C S.E., Miami, Oklahoma 74354

United States District Court )  
Northern District of Oklahoma ) SS  
I hereby certify that the foregoing  
is a true copy of the original on file  
in this court.  
Phil Lombardi, Clerk  
By   
Deputy

Defendant: PAMELA SIMPSON  
Case Number: 95-CR-120-001-H

### PROBATION

The defendant is hereby placed on probation for a term of 4 year(s).

While on probation, the defendant shall not commit another federal, state, or local crime; shall not illegally possess a controlled substance; shall comply with the standard conditions that have been adopted by this court (set forth below); and shall comply with the following additional conditions:

1. If this judgment imposes a fine, special assessment, costs or restitution obligation, it shall be a condition of probation that the defendant pay any such fine, assessment, costs and restitution.
2. The defendant shall not own or possess a firearm or destructive device.
3. The defendant shall be placed on home detention to include electronic monitoring at the discretion of the U. S. Probation Office for a period of 4 months, to commence within five days of her sentencing date. During this time, the defendant shall remain at place of residence except for employment and other activities approved in advance by the probation office. The defendant shall, at the discretion of the probation officer, maintain a telephone if so directed at place of residence without any special services, modems, answering machines, or cordless telephones for the above period. The defendant shall wear an electronic device and shall observe the rules specified by the Probation Office. The defendant shall pay \$1 per day toward the cost of this program. Electronic monitoring will not be implemented at this time and an alternative means of surveillance will be utilized. Should the defendant violate the rules and conditions of her probation, the probation officer may elect to implement the electronic monitoring program.
4. The defendant shall abide by the "Special Financial Conditions" enumerated in Miscellaneous Order Number M-128, filed with the Clerk of the Court on March 18, 1992.

### STANDARD CONDITIONS OF PROBATION

While the defendant is on probation pursuant to this judgment, the defendant shall not commit another federal, state or local crime. In addition:

- 1) The defendant shall not leave the judicial district without the permission of the court or probation officer.
- 2) The defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month.
- 3) The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.
- 4) The defendant shall support his or her dependents and meet other family responsibilities.
- 5) The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
- 6) The defendant shall notify the probation officer within seventy-two hours of any change in residence or employment.
- 7) The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician.
- 8) The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered.
- 9) The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer.
- 10) The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer.
- 11) The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer.
- 12) The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court.
- 13) As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
- 14) The defendant shall submit to urinalysis testing as directed by the U. S. Probation Office.

Defendant: PAMELA SIMPSON  
Case Number: 95-CR-120-001-H

### STATEMENT OF REASONS

The court adopts the factual findings and guideline application in the presentence report.

**Guideline Range Determined by the Court:**

Total Offense Level:	9
Criminal History Category:	III
Imprisonment Range:	8 months to 14 months - Ct. 7
Supervised Release Range:	2 to 3 years - Ct. 7
Fine Range:	\$ 1,000 to \$ 10,000 - Ct. 7
Restitution:	\$ 7,333.76

The fine is waived or is below the guideline range because of the defendant's inability to pay.

Full restitution is not ordered for the following reason(s): Because of the defendant's inability to pay.

The sentence departs from the guideline range for the following reason(s): The Court found that coercion with the threat of physical abuse existed in this case and departed two points pursuant to USSG § 5K1.12. Specifically, the Court found that the defendant's actions in part, were motivated by her husband's abuse.

UNITED STATES DISTRICT COURT  
Northern District of Oklahoma

ENTERED ON DOCKET

DATE AUG 20 1996

UNITED STATES OF AMERICA

v.

Case Number 96-CR-044-001-H

**FILED**

AUG 19 1996

Phil Lombardi, Clerk  
U.S. DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

CLARANCE GOODE, JR.  
Defendant.

**JUDGMENT IN A CRIMINAL CASE**

(For Offenses Committed On or After November 1, 1987)

The defendant, CLARANCE GOODE, JR., was represented by Craig Bryant.

On motion of the United States the court has dismissed count(s) 2 of the Indictment.

The defendant pleaded guilty to count(s) 1 of the Indictment on May 13, 1996. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

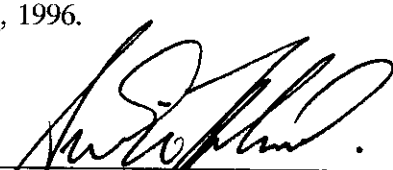
<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 USC 922(g)	Possession of Firearm After Former Conviction of a Felony	07/19/95	1

As pronounced on August 8, 1996, the defendant is sentenced as provided in pages 2 through 5 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay to the United States a special assessment of \$ 50.00, for count(s) 1 of the Indictment, which shall be due immediately.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Signed this the 19<sup>TH</sup> day of August, 1996.

  
The Honorable Sven Erik Holmes  
United States District Judge

Defendant's SSN: 444-88-7365  
Defendant's Date of Birth: 04/22/76  
Defendant's residence and mailing address: C/O U.S. Marshal

United States District Court )  
Northern District of Oklahoma ) SS

I hereby certify that the foregoing  
is a true copy of the original on file  
in this court.

Phil Lombardi, Clerk

By   
Deputy

Defendant: CLARANCE GOODE, JR.  
Case Number: 96-CR-044-001-H

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 36 months.

The defendant is remanded to the custody of the United States Marshal.

**RETURN**

I have executed this Judgment as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
at \_\_\_\_\_, with a certified copy of this Judgment.

\_\_\_\_\_  
United States Marshal

By \_\_\_\_\_  
Deputy Marshal



Defendant: CLARANCE GOODE, JR.  
Case Number: 96-CR-044-001-H

### **SUPERVISED RELEASE**

Upon release from imprisonment, the defendant shall be on supervised release for a term of 3 years.

While on supervised release, the defendant shall not commit another federal, state, or local crime; shall not illegally possess a controlled substance; shall comply with the standard conditions that have been adopted by this court (set forth below); and shall comply with the following additional conditions:

1. The defendant shall report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.
3. The defendant shall not own or possess a firearm or destructive device.
4. The defendant shall submit to a search conducted by a United States Probation Officer of his person, residence, vehicle, office and/or business at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. Failure to submit to a search may be grounds for revocation. The defendant shall not reside at any location without having first advised other residents that the premises may be subject to searches pursuant to this condition. Additionally, the defendant shall obtain written verification from other residents that said residents acknowledge the existence of this condition and that their failure to cooperate could result in revocation. This acknowledgement shall be provided to the U. S. Probation Office immediately upon taking residency.

### **STANDARD CONDITIONS OF SUPERVISION**

While the defendant is on supervised release pursuant to this judgment, the defendant shall not commit another federal, state, or local crime. In addition:

- 1) The defendant shall not leave the judicial district without the permission of the court or probation officer.
- 2) The defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month.
- 3) The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.
- 4) The defendant shall support his or her dependents and meet other family responsibilities.
- 5) The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
- 6) The defendant shall notify the probation officer within seventy-two hours of any change in residence or employment.
- 7) The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician.
- 8) The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered.
- 9) The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer.
- 10) The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer.
- 11) The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer.
- 12) The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court.
- 13) As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
- 14) The defendant shall submit to urinalysis testing as directed by the U. S. Probation Office.

Defendant: CLARANCE GOODE, JR.  
Case Number: 96-CR-044-001-H

**FINE**

The Court has determined that the defendant does not have the ability to pay interest, and it is accordingly ordered that the interest requirement is waived.

The defendant shall pay a fine of \$ 1,000.00. This fine shall be paid in full immediately. Any amount not paid immediately shall be paid while in custody through the Bureau of Prisons' Inmate Financial Responsibility Program. Upon release from custody, any unpaid balance shall be paid during the term of supervised release.

If the fine is not paid, the court may sentence the defendant to any sentence which might have been originally imposed. See 18 U.S.C. § 3614.

Defendant: CLARANCE GOODE, JR.  
Case Number: 96-CR-044-001-H

### STATEMENT OF REASONS

The court adopts the factual findings and guideline application in the presentence report.

**Guideline Range Determined by the Court:**

Total Offense Level:	17
Criminal History Category:	III
Imprisonment Range:	30 months to 37 months
Supervised Release Range:	2 to 3 years
Fine Range:	\$ 5,000 to \$ 50,000
Restitution:	N/A

The fine is waived or is below the guideline range because of the defendant's inability to pay.

The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by application of the guidelines.

/s/

UNITED STATES DISTRICT COURT  
Northern District of Oklahoma

UNITED STATES OF AMERICA

v.

JOE O. ERWIN  
Defendant.

Case Number 96-CR-032-003-H

ENTERED ON DOCKET  
DATE AUG 20 1996

FILED  
AUG 19 1996

Phil Lombardi, Clerk  
U.S. DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

**JUDGMENT IN A CRIMINAL CASE**  
(For Offenses Committed On or After November 1, 1987)

The defendant, JOE O. ERWIN, was represented by Keith Ward.

The defendant pleaded guilty to count(s) 1 and 2 of the Indictment on May 10, 1996. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):


Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
18 USC 371	Conspiracy	09/14/95	1
18 USC 1955 & 2	Illegal Gambling and Aiding & Abetting; Causing a Criminal Act	09/14/95	2

As pronounced on August 12, 1996, the defendant is sentenced as provided in pages 2 through 4 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay to the United States a special assessment of \$ 100.00, for count(s) 1 and 2 of the Indictment, which shall be due immediately.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Signed this the 19<sup>TH</sup> day of August, 1996.

  
The Honorable Sven Erik Holmes  
United States District Judge

Defendant's SSN: 447-52-1607

Defendant's Date of Birth: 11/09/49

Defendant's residence and mailing address: 223 A Street SE, Miami, Oklahoma 74354

United States District Court )  
Northern District of Oklahoma ) SS  
I hereby certify that the foregoing  
is a true copy of the original on file  
in this court.

Phil Lombardi, Clerk

By   
Deputy

22

Defendant: JOE O. ERWIN  
Case Number: 96-CR-032-003-H

### PROBATION

The defendant is hereby placed on probation for a term of 3 year(s), each count to run concurrently.

While on probation, the defendant shall not commit another federal, state, or local crime; shall not illegally possess a controlled substance; shall comply with the standard conditions that have been adopted by this court (set forth below); and shall comply with the following additional conditions:

1. If this judgment imposes a fine, special assessment, costs or restitution obligation, it shall be a condition of probation that the defendant pay any such fine, assessment, costs and restitution.
2. The defendant shall not own or possess a firearm or destructive device.
3. The defendant shall successfully participate in a program of testing and treatment (to include inpatient) for drug and alcohol abuse, as directed by the Probation Officer, until such time as released from the program by the Probation Officer.
4. The defendant shall be placed on home detention to include electronic monitoring at the discretion of the U. S. Probation Office for a period of 6 months, to commence within 72 hours of sentencing date. During this time, the defendant shall remain at place of residence except for employment and other activities approved in advance by the probation office. The defendant shall maintain a telephone at place of residence without any special services, modems, answering machines, or cordless telephones for the above period. The defendant shall wear an electronic device and shall observe the rules specified by the Probation Office. The entire cost of this program shall be paid by the defendant.
5. The defendant shall abide by the "Special Financial Conditions" enumerated in Miscellaneous Order Number M-128, filed with the Clerk of the Court on March 18, 1992.

### STANDARD CONDITIONS OF PROBATION

While the defendant is on probation pursuant to this judgment, the defendant shall not commit another federal, state or local crime. In addition:

- 1) The defendant shall not leave the judicial district without the permission of the court or probation officer.
- 2) The defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month.
- 3) The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.
- 4) The defendant shall support his or her dependents and meet other family responsibilities.
- 5) The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
- 6) The defendant shall notify the probation officer within seventy-two hours of any change in residence or employment.
- 7) The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician.
- 8) The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered.
- 9) The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer.
- 10) The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer.
- 11) The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer.
- 12) The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court.
- 13) As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
- 14) The defendant shall submit to urinalysis testing as directed by the U. S. Probation Office.

Defendant: JOE O. ERWIN  
Case Number: 96-CR-032-003-H

Judgment--Page 3 of 4

**FINE**

The Court has determined that the defendant does not have the ability to pay interest, and it is accordingly ordered that the interest requirement is waived.

The defendant shall pay a fine of \$ 2,000.00. This fine shall be paid in full immediately. Any amount not paid immediately shall be paid during the period of probation.

If the fine is not paid, the court may sentence the defendant to any sentence which might have been originally imposed. See 18 U.S.C. § 3614.

Defendant: JOE O. ERWIN  
Case Number: 96-CR-032-003-H

### STATEMENT OF REASONS

The court adopts the factual findings and guideline application in the presentence report.

**Guideline Range Determined by the Court:**

Total Offense Level:	10
Criminal History Category:	I
Imprisonment Range:	6 months to 12 months - Cts. 1 & 2
Supervised Release Range:	2 to 3 years - Cts. 1 & 2
Fine Range:	\$ 2,000 to \$ 20,000 - Cts. 1 & 2
Restitution:	N/A

The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by application of the guidelines.

DATE AUG 20 1996

FILED

AUG 19 1996

Phil Lombardi, Clerk  
U.S. DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMAUNITED STATES DISTRICT COURT  
Northern District of Oklahoma

UNITED STATES OF AMERICA

v.

Case Number 95-CR-160-01-H

MICHAEL JAMES BARTO  
Defendant.JUDGMENT IN A CRIMINAL CASE  
(For Offenses Committed On or After November 1, 1987)

The defendant, MICHAEL JAMES BARTO, was represented by Regina Stephenson.

The defendant pleaded guilty on May 10, 1996, to count(s) 1 of the Indictment. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18:922(a)	Possession of Firearm After Former Felony Conviction	4/19/95	1

As pronounced on August 13, 1996, the defendant is sentenced as provided in pages 2 through 5 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay to the United States a special assessment of \$ 50, for count(s) 1 of the Indictment, which shall be due immediately.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Signed this the 19<sup>TH</sup> day of August, 1996.

  
The Honorable Sven Erik Holmes  
United States District Judge

Defendant's SSN: 444-56-0749

Defendant's Date of Birth: 4/5/66

Defendant's residence and mailing address: 2924 E. Independence, Tulsa, Oklahoma

United States District Court )  
Northern District of Oklahoma ) SSI hereby certify that the foregoing  
is a true copy of the original on file  
in this court.

Phil Lombardi, Clerk

By   
Deputy



Defendant: MICHAEL JAMES BARTO  
Case Number: 95-CR-160-01-H

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 106 months. The Court notes for the record that this sentence is not a departure from the prescribed sentence of 120 months, but provides credit for approximately 14 months served in state custody under Tulsa County case CF-95-2628, that will not be credited towards this federal sentence, as directed by USSG § 5G1.3(b). The Court recommends that the Bureau of Prisons designate the Oklahoma Department of Corrections to be the place of service of this sentence, thereby making this sentence concurrent with the defendant's imprisonment pursuant to the Judgment in District Court of Tulsa County case CF-95-2628.

**RETURN**

The defendant is remanded to the custody of the United States Marshal.

I have executed this Judgment as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
at \_\_\_\_\_, with a certified copy of this Judgment.

\_\_\_\_\_  
United States Marshal  
By \_\_\_\_\_  
Deputy Marshal

Defendant: MICHAEL JAMES BARTO  
Case Number: 95-CR-160-01-H

### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of 3 years.

While on supervised release, the defendant shall not commit another federal, state, or local crime; shall not illegally possess a controlled substance; shall comply with the standard conditions that have been adopted by this court (set forth below); and shall comply with the following additional conditions:

1. The defendant shall report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.
3. The defendant shall not own or possess a firearm or destructive device.
4. The defendant shall successfully participate in a program of testing and treatment (to include inpatient) for drug and alcohol abuse, as directed by the Probation Officer, until such time as released from the program by the Probation Officer.
5. The defendant shall submit to a search conducted by a United States Probation Officer of his person, residence, vehicle, office and/or business at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. Failure to submit to a search may be grounds for revocation. The defendant shall not reside at any location without having first advised other residents that the premises may be subject to searches pursuant to this condition. Additionally, the defendant shall obtain written verification from other residents that said residents acknowledge the existence of this condition and that their failure to cooperate could result in revocation. This acknowledgement shall be provided to the U. S. Probation Office immediately upon taking residency.

### STANDARD CONDITIONS OF SUPERVISION

While the defendant is on supervised release pursuant to this judgment, the defendant shall not commit another federal, state, or local crime. In addition:

- 1) The defendant shall not leave the judicial district without the permission of the court or probation officer.
- 2) The defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month.
- 3) The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.
- 4) The defendant shall support his or her dependents and meet other family responsibilities.
- 5) The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
- 6) The defendant shall notify the probation officer within seventy-two hours of any change in residence or employment.
- 7) The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician.
- 8) The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered.
- 9) The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer.
- 10) The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer.
- 11) The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer.
- 12) The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court.
- 13) As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
- 14) The defendant shall submit to urinalysis testing as directed by the U. S. Probation Office.

Defendant: MICHAEL JAMES BARTO  
Case Number: 95-CR-160-01-H

**FINE**

The Court has determined that the defendant does not have the ability to pay interest, and it is accordingly ordered that the interest requirement is waived.

The defendant shall pay a fine of \$ 5,000. This fine shall be paid in full immediately. Any amount not paid immediately shall be paid while in custody through the Bureau of Prisons' Inmate Responsibility Program. Upon release from custody, any unpaid balance shall be paid during the term of supervised release.

If the fine is not paid, the court may sentence the defendant to any sentence which might have been originally imposed. See 18 U.S.C. § 3614.

Defendant: MICHAEL JAMES BARTO  
Case Number: 95-CR-160-01-H

### STATEMENT OF REASONS

The court adopts the factual findings and guideline application in the presentence report.

**Guideline Range Determined by the Court:**

Total Offense Level:	27
Criminal History Category:	VI
Imprisonment Range:	120 months
Supervised Release Range:	2 to 3 years
Fine Range:	\$ 12,500 to \$ 125,000
Restitution:	\$ N/A

The fine is waived or is below the guideline range because of the defendant's inability to pay.

The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by application of the guidelines.

F I L E D

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

AUG 19 1996

Phil Lombardi, Clerk  
U.S. DISTRICT COURT

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
LOIS PORTER )  
 )  
Defendant. )

No. 96-CR-45-B

ENTERED ON DOCKET

DATE AUG 20 1996

O R D E R

Now on this 19<sup>th</sup> day of August, 1994 this cause comes on to be heard in the matter of the plaintiff's Motion for Leave to Dismiss, without prejudice, the Indictment against defendant Lois Porter in the above styled cause. The Court finds that said request ought to be granted and the Indictment against defendant Lois Porter is dismissed, without prejudice.

IT IS SO ORDERED.

S/ THOMAS R. BRETT  
THOMAS R. BRETT  
United States District Judge

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

**FILED**

AUG 16 1996

Phil Lombardi, Clerk  
U.S. DISTRICT COURT

UNITED STATES OF AMERICA,

Plaintiff,

-vs-

SON DU

Defendant.

No. 95-CR-157-C ✓

ENTERED ON DOCKET

DATE 8-20-96

**ORDER**

Now on this 16 day of August, 1996 this cause comes on to be heard in the matter of the plaintiff's Motion for Leave to Dismiss, without prejudice, the Indictment against defendant Son Du in the above styled cause. The Court finds that said request ought to be granted and the Indictment against defendant Son Du is dismissed, without prejudice.

IT IS SO ORDERED.



H. DALE COOK

United States District Judge

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED

AUG 16 1996

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICHAEL TRAVIS EDWARDS,

Defendant.

No. 93-CR-136-E

ENTERED ON DOCKET

DATE 8/19/96

Phil Lombardi, Clerk  
U.S. DISTRICT COURT

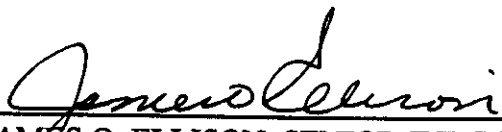
**ORDER**

Now before the Court for its consideration is the motion of Defendant Michael Travis Edwards to Vacate, Set side, or Correct Sentence (Docket #16).

In this motion, Defendant argues that, due to an intervening change in law, Bailey v. United States, \_\_\_ U.S. \_\_\_, 116 S.Ct. 501, 133 L.Ed.2d 472 (1995), his sentence on a charge of Carrying or Using a Firearm During and in Relation to a Drug Trafficking Conspiracy in violation of 18 U.S.C. §924(c) is invalid. The government notes that the factual basis for the charge against Edwards is the presence of a Smith & Wesson .9 mm semi-automatic pistol in a residence utilized by Edwards, and concedes that, pursuant to the holding in Bailey, Edwards' sentence should be vacated.

In reviewing Bailey, and the record in this matter, the Court finds that Defendant's motion to vacate (Docket # 16) has merit and should be granted.

ORDERED this 16<sup>th</sup> day of August, 1996.

  
JAMES O. ELLISON, SENIOR JUDGE  
UNITED STATES DISTRICT COURT

United States District Court )  
Northern District of Oklahoma ) SS

I hereby certify that the foregoing  
is a true copy of the original on file  
in this court.

Phil Lombardi, Clerk

By   
Deputy

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

**FILED**

**AUG 16 1996**

Phil Lombardi, Clerk  
U.S. DISTRICT COURT

UNITED STATES OF AMERICA,

Plaintiff,

v.

BILLY PAT CAREY,

Defendant.

No. 96-CR-90-B

ENTERED ON DOCKET

DATE AUG 19 1996 ✓

**ORDER**

Now on this 16<sup>th</sup> day of August, 1996 this cause comes on to be heard in the matter of the plaintiff's Motion for Leave to Dismiss, without prejudice, the Indictment against defendant Billy Pat Carey in the above styled cause. The Court finds that said request ought to be granted and the Indictment against defendant Billy Pat Carey is dismissed, without prejudice.

IT IS SO ORDERED.

**S/ THOMAS R. BRETT**

\_\_\_\_\_  
THOMAS R. BRETT  
United States District Judge



IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED

AUG 16 1996

Phil Lombardi, Clerk  
U.S. District Court

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOE EARL RODGERS,

Defendant.

No. 91-CR-23-E

ENTERED ON DOCKET

DATE 8/19/96

O R D E R

Before the Court is Defendant Joe Earl Rodgers' Motion for Recovery of Property or Summary Judgment. Pursuant to Fed.R.Crim.P. 41(e), Rodgers seeks the recovery of real and personal property seized on or about the date of his arrest, February 16, 1991.

The government contends that the Court lacks jurisdiction over this matter because the only property forfeited by the federal government was administratively forfeited, and Rule 41(e) "does not generally apply to property against which judicial forfeiture proceedings have been instituted or completed, and certainly does not apply to proceedings which have never been in a judicial setting." *Reply (Docket No. 103) p. 8.*

The Court has previously ruled that it has jurisdiction based on Rule 41(e) and the general equitable jurisdiction of the federal court. *September 14, 1995 Order.* Furthermore, the Tenth Circuit Court of Appeals has affirmed the jurisdiction of federal district courts "to review whether an administrative forfeiture satisfied

due process and statutory requirements," even though the issue is procedurally presented pursuant to Rule 41(e). *United State v. Clark*, 84 F.3d 378, 381 (10th Cir. 1996). In such cases, a Rule 41(e) motion is treated as a civil complaint where, as here, criminal proceedings against the movant have been completed. *Id.*

In his motion, Rodgers lists the following items of his property which he alleges were illegally seized and taken without notice:

- (1) On or about February 16, 1991, different branches of police departments served a search warrant on an apartment in Tulsa, Oklahoma.
- (2) Property taken from this address included but not limited to the following:
  - (A) \$30,570.12 in U.S. currency
  - (B) 1-44 caliber Smith & Wesson revolver  
Serial No. N744548
  - © 1-32 caliber semi-automatic handgun Serial  
No. P09060
- (3) On the same date, February 16, 1991, different officers serviced a warrant on another residence and removed the following automobiles belonging to plaintiff;
  - (A) 1-1979 Chevy Corvette - License No. ZZF-4896
  - (B) 1-1983 Jeep - License No. DLD-246
- (4) Plaintiff was arrested on the same day and the following was taken:
  - (A) \$2,051.00 in U.S. currency
  - (B) 1-Pager - Serial No. 0151854
  - © 1-1977 Chevy Corvette - License No. ZTP-383
  - (D) Assorted Gold Jewelry
- (5) Sometime thereafter, according to the presentence report the following was seized:
  - (A) 1-1985 Ford Van
  - (B) 1-1982 Chevy pickup truck
  - © 1-1970 Chevy El Camino
  - (D) 1-1986 jaguar automobile
  - (E) 2-other autos unknown - (P.S.I. said 9-vehicles)
  - (F) 1-cabin on Grand Lake
  - (G) 1-40' Houseboat - "Three Bouys"
  - (H) Some 20 other guns

The government responds that the only items owned by Rodgers

which were administratively forfeited by the federal government are the following: (1) \$30,006.25 in U.S. currency; (2) \$1,951.00 in U.S. currency; (3) a 1977 Chevrolet Corvette; (4) a 1979 Corvette; and (5) an 1984 Econoline van. Further, notices of the seizure of these items and procedures to contest forfeiture of the property were mailed to Rodgers at his last known address at 4923 S. Yorktown #38, Tulsa, Ok 74105, and published in USA Today for three successive weeks, pursuant to 21 C.F.R. 1316.75.

At the request of the Court, the government supplemented its response to Rodgers' motion with the affidavit of William J. Snider ("Snider"), the Forfeiture Counsel of the Drug Enforcement Agency ("DEA"), who supervises DEA forfeitures. Attached to Snider's affidavit are copies of the notices, publications and declarations of forfeiture of the items subjected to federal forfeiture: i.e., \$30,006.25 and \$1,951.00 in U.S. currency, a 1977 and a 1979 Chevrolet Corvette, and a 1984 Econoline van.<sup>1</sup>(Exs. 1 - 20). Snider testifies that the items owned by Rodgers and forfeited by the federal government were seized on February 16, 1991; forfeitures reports were prepared and transmitted to the DEA's Office of Chief Counsel where they were reviewed for probable cause and accepted for administrative forfeiture; written notice of the seizure of each item of property subjected to administrative forfeiture was sent by certified mail to Rodgers' last known address at 4923 S. Yorktown #38, Tulsa, Oklahoma 74105, and

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<sup>1</sup> Snider testifies that a 1983 Jeep Renegade was also administratively forfeited but that Rodgers had no legal interest in that vehicle and therefore was not served with notice.

returned unclaimed; the seizure of each item administratively forfeited was published in USA Today for three consecutive weeks; and "as a result of no properly executed claim having been received by DEA, and the time limit for filing said claim and cost bond having expired," the items were declared forfeited. Thus, the government argues that Rodgers was provided adequate notice of the forfeiture of his property.


Rodgers counters that such notice was constitutionally deficient because the notices were mailed to the Yorktown address although the government knew he did not live there and "it was an apartment above a club owned by [him] and leased by people that had worked for him until he was arrested in February 1991." *Defendant's Response to Supplemental Brief (Docket No. 97)*, p.3. Rodgers, however, offers no evidence to support this claim. To the contrary, the only evidence Rodgers provides - the Currency Recovery Sheet and Evidence Inventory Recovery Sheet (exhibits 1-6) - indicates that most of the property he now seeks to recover was seized from this Yorktown address. Thus, based on Snider's affidavit and its attached exhibits, the Court concludes that service by return receipt, certified mail to the Yorktown address was reasonably calculated to apprise Rodgers of the federal forfeiture action, and thus comports with due process. *Clark, supra*.

Finally, the record reflects that the remaining property was not forfeited by the federal government, but was subjected to forfeiture proceedings in Tulsa County District Court Case No. CJ

94-5013 and Pawnee County District Court Case No. CS-92-7 pursuant to Oklahoma statute. *Government Exhibit 27 (Supplemental Brief) and Reply exhibits.*

Thus, the Court finds no merit to defendant's claim and the motion for return of property is denied.

ORDERED this 16<sup>th</sup> day of August, 1996.

  
\_\_\_\_\_  
JAMES O. ELLISON  
UNITED STATES DISTRICT COURT



IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,  
Plaintiff,

vs.

THOMAS D. BARNHART,  
Defendant.

)  
)  
)  
)  
)  
)  
)

Case No. 95-CR-149-BU ✓

ENTERED ON DOCKET

DATE 8-15-96

**F I L E D**

AUG 14 1996

*on*

**JUDGMENT AND COMMITMENT ORDER**

Phil Lombardi, Clerk  
U.S. DISTRICT COURT

The Defendant, Thomas D. Barnhart, is found not guilty by reason of insanity as to Counts One through Three of the Indictment on file in this case.

Upon consideration of the recommendations of the United States Probation Office, the United States Marshal's Office, and stipulation of the parties, the court finds that the **Rambling Rose Mental Health Facility** in Ketchum, Oklahoma, is a suitable facility in which to house the defendant (pursuant to Title 18 U.S.C. §4243 (a) and (c)) pending designation of a permanent mental health facility by the Bureau of Prisons. The United States Probation Office shall monitor defendant while he is at Rambling Rose Mental Health Facility.

It is the order of this court that when the Bureau of Prisons designates a permanent facility for the defendant, the defendant's sister, or such other family member approved by the Probation Office, will be allowed to transport defendant to the designated facility for voluntary surrender.

If defendant's family cannot provide transportation to said facility once it has been designated, the defendant shall be delivered to the United States Marshal's Office for the Northern District of Oklahoma for delivery to said facility.

  
MICHAEL BURRAGE  
United States District Judge

cc: United States Probation Office  
United States Marshal's Office  
Lucy Creekmore, AUSA  
Regina Stephenson, Federal Public Defender's Office



**UNITED STATES DISTRICT COURT**  
**Northern District of Oklahoma**

**FILED**

AUG 12 1996

Phil Lombardi, Clerk  
U.S. DISTRICT COURT

UNITED STATES OF AMERICA

v.

Case Number 94-CR-027-006-B

TERESA CORDOBA  
 Defendant.

ENTERED ON DOCKET  
 DATE AUG 12 1996

**JUDGMENT IN A CRIMINAL CASE**  
**(For Offenses Committed On or After November 1, 1987)**

The defendant, TERESA CORDOBA, was represented by Larry D. Wagener.

On motion of the United States the court has dismissed count(s) 1 of the 4th Superseding Indictment.

The defendant pleaded guilty to count(s) 1 of the Information on January 23, 1996. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 USC 1956(a)(1) (B)(i) and 2	Money Laundering and Aiding & Abetting	12/16/91	1

As pronounced on August 8, 1996, the defendant is sentenced as provided in pages 2 through 5 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay to the United States a special assessment of \$ 50.00, for count(s) 1 of the Information, which shall be due immediately.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Signed this the 12<sup>th</sup> day of Aug., 1996.

  
 The Honorable Thomas R. Brett  
 Chief United States District Judge

Defendant's SSN: 443-88-5941

Defendant's Date of Birth: 09/24/61

Defendant's residence and mailing address: 6920 E. Latimer Place, Tulsa, Oklahoma 74115

Defendant: TERESA CORDOBA  
Case Number: 94-CR-027-006-B

### IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 24 months.

The Court makes the following recommendations to the Bureau of Prisons: That the defendant be designated for placement in the Intensive Confinement Center Program located in Bryan, Texas.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons no later than 4:00 p.m., on September 16, 1996, at the Ice Program, Bryan, Texas.

### RETURN

I have executed this Judgment as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
at \_\_\_\_\_, with a certified copy of this Judgment.

\_\_\_\_\_  
United States Marshal

By \_\_\_\_\_  
Deputy Marshal

Defendant: TERESA CORDOBA  
Case Number: 94-CR-027-006-B

### **SUPERVISED RELEASE**

Upon release from imprisonment, the defendant shall be on supervised release for a term of 3 years.

While on supervised release, the defendant shall not commit another federal, state, or local crime; shall not illegally possess a controlled substance; shall comply with the standard conditions that have been adopted by this court (set forth below); and shall comply with the following additional conditions:

1. The defendant shall report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.
3. The defendant shall not own or possess a firearm or destructive device.
4. The defendant shall submit to a search conducted by a United States Probation Officer of his person, residence, vehicle, office and/or business at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. Failure to submit to a search may be grounds for revocation. The defendant shall not reside at any location without having first advised other residents that the premises may be subject to searches pursuant to this condition. Additionally, the defendant shall obtain written verification from other residents that said residents acknowledge the existence of this condition and that their failure to cooperate could result in revocation. This acknowledgement shall be provided to the U. S. Probation Office immediately upon taking residency.
5. The defendant shall abide by the "Special Financial Conditions" enumerated in Miscellaneous Order Number M-128, filed with the Clerk of the Court on March 18, 1992.

### **STANDARD CONDITIONS OF SUPERVISION**

While the defendant is on supervised release pursuant to this judgment, the defendant shall not commit another federal, state, or local crime. In addition:

- 1) The defendant shall not leave the judicial district without the permission of the court or probation officer.
- 2) The defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month.
- 3) The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.
- 4) The defendant shall support his or her dependents and meet other family responsibilities.
- 5) The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
- 6) The defendant shall notify the probation officer within seventy-two hours of any change in residence or employment.
- 7) The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician.
- 8) The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered.
- 9) The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer.
- 10) The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer.
- 11) The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer.
- 12) The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court.
- 13) As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
- 14) The defendant shall submit to urinalysis testing as directed by the U. S. Probation Office.

Defendant: TERESA CORDOBA  
Case Number: 94-CR-027-006-B

**FINE**

The Court has determined that the defendant does not have the ability to pay interest, and it is accordingly ordered that the interest requirement is waived.

The defendant shall pay a fine of \$ 5,000.00. This fine shall be paid in full immediately. Any amount not paid immediately shall be paid while in custody through the Bureau of Prisons' Inmate Financial Responsibility Program. Upon release from custody, any unpaid balance shall be paid during the term of supervised release.

If the fine is not paid, the court may sentence the defendant to any sentence which might have been originally imposed. See 18 U.S.C. § 3614.

Defendant: TERESA CORDOBA  
Case Number: 94-CR-027-006-B

### STATEMENT OF REASONS

The court adopts the factual findings and guideline application in the presentence report.

**Guideline Range Determined by the Court:**

Total Offense Level:	17
Criminal History Category:	I
Imprisonment Range:	24 months to 30 months
Supervised Release Range:	2 to 3 years
Fine Range:	\$ 5,000 to \$ 500,000
Restitution:	N/A

The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by application of the guidelines.

*lpm*

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED

AUG 8 1996

Phil Lombardi, Clerk  
U.S. DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ALLEN RAY BURKETT,

Defendant.

No. 94-CR-178-K

960486 K

FILED ON DOCKET

AUG 12 1996

ORDER

Before the Court is the motion of Defendant Burkett pursuant to 28 U.S.C. §2255. Defendant was charged by indictment with one violation of 18 U.S.C. §924(c). On April 25, 1995, Defendant pled guilty to Count I of the Indictment (18 U.S.C. §924(c)) and was sentenced to the mandatory sixty months. On May 30, 1996, Defendant filed the present motion, asserting his guilty plea should be vacated in light of Bailey v. United States, 116 S.Ct. 501 (1995). Bailey restricted the factual circumstances under which a §924(c) conviction is appropriate.

In response, the government requests that this Court affirm the conviction and sentence under 18 U.S.C. § 924(c), or, if the Court vacates the conviction and sentence, that this Court allow the government to reinstate the Indictment in this case and proceed to trial. The government also requests an evidentiary hearing if appropriate.

Since the record indicates that Defendant pled guilty pursuant to the pre-Bailey standard, an evidentiary hearing would not remedy the situation. Under similar circumstances, courts have permitted


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reinstatement of the indictment. Cf. Fransaw v. Lynaugh, 810 F.2d 518, 524-525 (5th Cir.1987). A new seventy-day time limit is appropriate under 18 U.S.C. §3161(e) of the Speedy Trial Act.

It is the Order of the Court that the motion of the Defendant Allen Burkett pursuant to 28 U.S.C. §2255 is hereby GRANTED. The defendant's guilty plea, conviction and sentence are hereby VACATED. The Indictment in this case is reinstated. The Court Clerk's Office is directed to send notice of new motion deadlines, the pretrial date, and the trial date.

ORDERED this 8 day of August, 1996.

  
TERRY C. KERN  
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

**F I L E D**

AUG 9 1996

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KENNETH N. POWELL,

Defendant.

Phil Lombardi, Clerk  
U.S. DISTRICT COURT

Case No. 91-CR-009-E

ENTERED ON DOCKET

DATE 8/9/96

ORDER

Now before the Court is the Motion for Recovery (Docket #227) of the Defendant Kenneth N. Powell (Powell).

Powell was tried by a jury and convicted of conspiracy to distribute marijuana on July 17, 1991, and sentenced to 292 months imprisonment. His conviction was upheld on appeal. Prior to the trial, numerous items belonging to Powell were seized<sup>1</sup>, and he now is attempting to secure their return pursuant to Rule 41(e), Fed.R.Crim.P. Upon review of Powell's motion, and recognition that there was some controversy over the adequacy of notice of the forfeiture of the property which Powell is seeking to have returned, the Court, relying on United States v. Woodall, 12 F.3d 791 (8th

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<sup>1</sup> Powell contends that 1) on March 6, 1989, \$35,000.00 in currency, one 1985 Ford Bronco, one diamond ring, one gold bracelet and one gold necklace was seized; 2) in November, 1989, one 1986 GMC Van and one 1986 Lincoln Town Car was seized; 3) in February, 1991, one Bass and Ski Boat and one 35 foot camper trailer was seized; and 4) on unknown dates various tracts of real property in Mayes County were seized.

United States District Court )  
Northern District of Oklahoma ) **SS**

I hereby certify that the foregoing  
is a true copy of the original on file  
in this court.

Phil Lombardi, Clerk

By Brenda M. Cullough  
Deputy



Cir. 1993)<sup>2</sup>, directed the government to file a supplemental response to the motion, particularly addressing the notice for the forfeiture of the currency, Ford Bronco, GMC Van, and Lincoln Towncar.<sup>3</sup>

The government, through the applicable documents established in its supplemental response that Powell received notice of the administrative forfeiture of \$32,334.00 in currency and the 1985 Ford Bronco, and that he contested the forfeiture of the currency by posting the appropriate cost bond through his attorney, Creekmore Wallace, who stated in a letter dated July 21, 1989: "I will be representing Mr. Powell in this matter and request you forward all further correspondence, pleadings, documents and other information to me at P.O. Box 90, Sapulpa, Ok 74067." Moreover, Mr Wallace posted a bond in the amount of \$837.00 on Behalf of Claudie Stephens for the Ford Bronco, and stated in his letter of August 3, 1989 that he was representing Mr. Stephens and Mr. Powell in this matter. Subsequently, the government filed a Complaint for Forfeiture in Rem on August 30, 1989, naming the currency, the Ford Bronco, the GMC Van, and the Lincoln Towncar as Defendants. The Process Receipt and Return on that judicial forfeiture reflects that service was attempted on October 20, 1989 at 1412 N. 12th St., Sapulpa, and that the McLaughlins lived at this address and had for three years. Service was attempted at another address wherein the landlord stated that one apartment

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<sup>2</sup> Although the forfeiture proceeding in this case that is being questioned was a judicial forfeiture, since a judgment rendered without notice is subject to collateral attack, Restatement (2d) Judgments, §§1, 65 (1982), inquiry regarding the sufficiency of notice for due process purposes is appropriate at this point.


<sup>3</sup>The government was also directed to address disposition of the remaining items: the jewelry, the Bass and Ski Boat, and the 35 foot Camper Trailer. The exhibits to the government's supplemental brief demonstrate that these items were forfeited in state court. This court is bound to grant full faith and credit to the state court's judgments. See Ryan v. City of Shawnee, 13 F.3d 345, 347 (10th Cir 1993), United States v. Sanders, 48 F.3d 1233, 1995 WL 94666 (10th Cir. 1995).

was rented for Kenneth Powell. The Marshall then contacted Mr. Wallace who stated that he did not know Powell's whereabouts and could not accept service for him. The process was returned unexecuted on October 24, 1989. Notice was then published in The Tulsa Daily Business Journal and Legal Record of Tulsa, Oklahoma, on November 30, 1989, December 7, 1989, and December 14, 1989. Kenneth Powell did not file a claim in the judicial forfeiture, although Claudie Stephens did, as to the Bronco. Claudie Stephens filed a Motion to Dismiss his claim which was granted on February 13, 1990. A Judgment of Forfeiture was entered as to the currency, the Van and the Lincoln on January 26, 1990, and as to the Bronco on March 2, 1990.

The Court finds that this notice, where the government attempted service at Powell's last known address, as well as with his attorney, and then provided constructive notice by publication, was "reasonably calculated to give [Powell] actual notice of the forfeiture proceedings." U.S. v. 51 Pieces of Real Property, Roswell, N.M., 17 F.3d 1306 (10th Cir. 1994).

Powell's Motion for Recovery of Property (Docket #227) is denied.

IT IS SO ORDERED THIS 8<sup>th</sup> DAY OF AUGUST, 1996.

  
JAMES O. ELLISON, SENIOR JUDGE  
UNITED STATES DISTRICT COURT

**FILED**

**UNITED STATES DISTRICT COURT**  
Northern District of Oklahoma

**AUG 7 1996**

UNITED STATES OF AMERICA

Phil Lombardi, Clerk  
U.S. DISTRICT COURT

v.

Case Number 96-CR-068-001-E

REGINA FRAN WEBB  
Defendant.

FILED ON DOCKET  
DATE 8/7/96

**JUDGMENT IN A CRIMINAL CASE**  
(For Offenses Committed On or After November 1, 1987)

The defendant, REGINA FRAN WEBB, was represented by Stephen Greubel.

The defendant pleaded guilty on April 23, 1996, to count(s) 1 of the Information. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

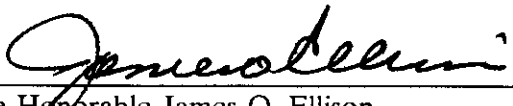
<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
42:408(a)(7)(B)	Fraudulent Use of Social Security Number	2-17-96	1

As pronounced on July 30, 1996, the defendant is sentenced as provided in pages 2 through 4 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay to the United States a special assessment of \$ 50, for count(s) 1 of the Information, which shall be due immediately.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Signed this the 6<sup>th</sup> day of August, 1996.

  
The Honorable James O. Ellison  
United States District Judge

United States District Court } SS  
Northern District of Oklahoma }  
I hereby certify that the foregoing  
is a true copy of the original on file  
in this court. Phil Lombardi, Clerk

By   
Deputy

Defendant's SSN: 444-60-5347

Defendant's Date of Birth: 1/31/59

Defendant's residence and mailing address: 2657-E East Albany, Broken Arrow, Oklahoma 74044

Defendant: REGINA FRAN WEBB

Case Number: 96-CR-068-001-E

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 8 months to run consecutively to the term of imprisonment imposed in revocation of Northern District of Oklahoma case 92-CR-044-001-E.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons before 12:00 p.m. on October 30, 1996.

**RETURN**

I have executed this Judgment as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
at \_\_\_\_\_, with a certified copy of this Judgment.

\_\_\_\_\_  
United States Marshal

By \_\_\_\_\_  
Deputy Marshal

Defendant: REGINA FRAN WEBB

Case Number: 96-CR-068-001-E

**SUPERVISED RELEASE**

Upon release from imprisonment, the defendant shall be on supervised release for a term of 3 years.

While on supervised release, the defendant shall not commit another federal, state, or local crime; shall not illegally possess a controlled substance; shall comply with the standard conditions that have been adopted by this court (set forth below); and shall comply with the following additional conditions:

1. The defendant shall report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.
3. The defendant shall not own or possess a firearm or destructive device.
4. The defendant shall submit to a search conducted by a United States Probation Officer of his person, residence, vehicle, office and/or business at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. Failure to submit to a search may be grounds for revocation. The defendant shall not reside at any location without having first advised other residents that the premises may be subject to searches pursuant to this condition. Additionally, the defendant shall obtain written verification from other residents that said residents acknowledge the existence of this condition and that their failure to cooperate could result in revocation. This acknowledgement shall be provided to the U. S. Probation Office immediately upon taking residency.
5. The defendant shall abide by the "Special Financial Conditions" enumerated in Miscellaneous Order Number M-128, filed with the Clerk of the Court on March 18, 1992.
6. You are prohibited from engaging in any form of employment which would give you access to bank accounts, securities, or other negotiable assets of any individual, business, or other entity. All employment shall be approved in advance by the U.S. Probation Officer. Further, you shall advise any and all employers of all past criminal convictions.

The Court suspends the requirements for mandatory urine screening as dictated by 18 USC § 3608, but specifically retains the probation officer's authority to administer such tests for cause as permitted by the standard conditions of supervision.

**STANDARD CONDITIONS OF SUPERVISION**

While the defendant is on supervised release pursuant to this judgment, the defendant shall not commit another federal, state, or local crime. In addition:

- 1) The defendant shall not leave the judicial district without the permission of the court or probation officer.
- 2) The defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month.
- 3) The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.
- 4) The defendant shall support his or her dependents and meet other family responsibilities.
- 5) The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
- 6) The defendant shall notify the probation officer within seventy-two hours of any change in residence or employment.
- 7) The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician.
- 8) The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered.
- 9) The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer.
- 10) The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer.
- 11) The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer.
- 12) The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court.
- 13) As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
- 14) The defendant shall submit to urinalysis testing as directed by the U. S. Probation Office.

Defendant: REGINA FRAN WEBB  
Case Number: 96-CR-068-001-E

### STATEMENT OF REASONS

The court adopts the factual findings and guideline application in the presentence report.

**Guideline Range Determined by the Court:**

Total Offense Level:	6
Criminal History Category:	IV
Imprisonment Range:	6 months to 12 months
Supervised Release Range:	2 to 3 years
Fine Range:	\$ 500 to \$ 5,000
Restitution:	\$ N/A

The fine is waived or is below the guideline range because of the defendant's inability to pay.

The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by application of the guidelines.



**F I L E D**

**AUG 7 1996**

**Phil Lombardi, Clerk  
U.S. DISTRICT COURT**

**UNITED STATES DISTRICT COURT FOR  
THE NORTHERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA )  
Plaintiff )  
VS )  
REGINA WEBB )  
Defendant )

Case Number: 92-CR-044-001-E  
ENTERED ON DOCKET  
DATE 8/7/96

**ORDER REVOKING TERM OF SUPERVISED RELEASE**

Now on this 30th day of July, 1996, this cause comes on for sentencing after finding that the defendant violated her term of supervised release conditions as set out in the Petition on Supervised Release filed on March 5, 1996. The defendant is present in person and with her attorney, Assistant Federal Public Defender Stephen Greubel. The Government is represented by Assistant United States Attorney Neal Kirkpatrick, and the United States Probation Office is represented by Bradford Stewart.

On October 21, 1988, Webb was sentenced to a five year term of probation in Eastern District of Oklahoma case 88-37-CR, following her guilty plea to a two-count Indictment which charged Embezzlement by an Employee of an FDIC Insured Bank (Count One), in violation of 18 U.S.C. § 656, and Making False Entries Into the General Ledger of an FDIC Insured Bank, in violation of 18 U.S.C. § 1005. Webb was ordered to pay a special assessment of \$100 and to make restitution in the amount of \$25,000 to the Federal Deposit Insurance Corporation.

On March 25, 1992, this district accepted the case for transfer of jurisdiction, assigning the above-listed case number. On December 14, 1992, following a finding that Webb had violated the conditions of her probation, an Order Revoking Probation was issued by this Court. Webb was sentenced to six months custody to be followed by a three

United States District Court ) SS  
I hereby certify that the foregoing  
is a true copy of the original on file  
in this court.  
Phil Lombardi, Clerk

By Brenda M. Cullough

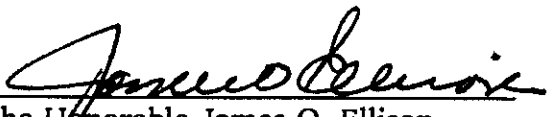
year term of supervised release. The term of supervised release commenced on July 6, 1993, and became inactive upon her incarceration for a subsequent conviction on November 12, 1993.

The defendant was released from custody and her term of supervised release recommenced on September 26, 1994. On March 5, 1996, a Petition on Supervised Release was filed in the Northern District of Oklahoma alleging a new law violation. The revocation hearing was conducted on April 23, 1996, with a finding that the defendant violated her conditions of supervised release as presented in the Petition.

Pursuant to U.S.S.G. §§ 7B1.1(a)(2), conduct constituting a federal, state, or local offense punishable by a term of imprisonment exceeding one year is a Grade B violation. Upon a finding of a Grade B violation the term of supervised release shall be revoked, pursuant to U.S.S.G. § 7B1.3(a)(1). A Grade B violation and Criminal History Category of I establish an imprisonment range of 4-10 months. In consideration of these findings and pursuant to U.S. v Lee, 957 F.2d 770 (10th Cir. 1992), in which the Circuit determined that the policy statements in Chapter 7 are not mandatory but must be considered by the Court, the following is ordered:

The term of supervised release is hereby revoked, and the defendant is committed to the custody of the Bureau of Prisons for a term of 8 months, to run consecutively to the term of custody imposed in Northern District of Oklahoma case 96-CR-068-001-E. The restitution order of \$25,000 is reimposed.

The defendant shall report to the facility designated by the Bureau of Prisons before 12:00 p.m. on October 30, 1996.

  
The Honorable James O. Ellison  
Senior United States District Judge



8/7/96  
**FILED**AUG 6 1996  
Phil Lombardi, Clerk  
U.S. DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA**UNITED STATES DISTRICT COURT**  
**Northern District of Oklahoma**

UNITED STATES OF AMERICA

v.

Case Number 96-CR-017-02-H

TRINA D. MCGILL  
Defendant.**JUDGMENT IN A CRIMINAL CASE**  
**(For Offenses Committed On or After November 1, 1987)**

The defendant, TRINA D. MCGILL, was represented by Craig Bryant.

On motion of the United States the court has dismissed count(s) 2 and 3 of the Indictment.

The defendant pleaded guilty on April 12, 1996, to count(s) 1 of the Indictment. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 USC 371	Conspiracy to Commit Bank Fraud	10/95	1

As pronounced on July 30, 1996, the defendant is sentenced as provided in pages 2 through 4 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay to the United States a special assessment of \$ 50, for count(s) 1 of the Indictment, which shall be due immediately.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Signed this the 5<sup>TH</sup> day of August, 1996.  
The Honorable Sven Erik Holmes  
United States District Judge

Defendant's SSN: 459-69-4189

Defendant's Date of Birth: 8/15/73

Defendant's residence and mailing address: 1034 E. 5th Place, Apt. D, Tulsa, OK 74105

Defendant: TRINA D. MCGILL  
Case Number: 96-CR-017-02-H

### PROBATION

The defendant is hereby placed on probation for a term of 5 year(s).

While on probation, the defendant shall not commit another federal, state, or local crime; shall not illegally possess a controlled substance; shall comply with the standard conditions that have been adopted by this court (set forth below); and shall comply with the following additional conditions:

1. If this judgment imposes a fine, special assessment, costs or restitution obligation, it shall be a condition of probation that the defendant pay any such fine, assessment, costs and restitution.
2. The defendant shall not own or possess a firearm or destructive device.
3. The defendant shall submit to a search conducted by a United States Probation Officer of his person, residence, vehicle, office and/or business at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. Failure to submit to a search may be grounds for revocation. The defendant shall not reside at any location without having first advised other residents that the premises may be subject to searches pursuant to this condition. Additionally, the defendant shall obtain written verification from other residents that said residents acknowledge the existence of this condition and that their failure to cooperate could result in revocation. This acknowledgement shall be provided to the U. S. Probation Office immediately upon taking residency.
4. The defendant shall abide by the "Special Financial Conditions" enumerated in Miscellaneous Order Number M-128, filed with the Clerk of the Court on March 18, 1992.
5. The defendant shall participate in a program of consumer credit counseling, as directed by the probation officer until such time as released by the probation officer.

### STANDARD CONDITIONS OF PROBATION

While the defendant is on probation pursuant to this judgment, the defendant shall not commit another federal, state or local crime. In addition:

- 1) The defendant shall not leave the judicial district without the permission of the court or probation officer.
- 2) The defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month.
- 3) The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.
- 4) The defendant shall support his or her dependents and meet other family responsibilities.
- 5) The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
- 6) The defendant shall notify the probation officer within seventy-two hours of any change in residence or employment.
- 7) The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician.
- 8) The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered.
- 9) The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer.
- 10) The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer.
- 11) The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer.
- 12) The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court.
- 13) As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
- 14) The defendant shall submit to urinalysis testing as directed by the U. S. Probation Office.

Defendant: TRINA D. MCGILL  
Case Number: 96-CR-017-02-H

**RESTITUTION AND FORFEITURE**

**RESTITUTION**

The defendant shall make restitution in the total amount of \$8,976.00.

The defendant shall make restitution to the following persons in the following amounts:

<b><u>Name of Payee</u></b>	<b><u>Amount of Restitution</u></b>
State Bank & Trust, N.A. 502 Main Mall Tulsa, OK 74103	\$2,601
American Bank & Trust Company 6100 South Yale Tulsa, OK 74136	3,715
Bank of Oklahoma P.O. Box 2300 Tulsa, OK 74129	705
Red Crown Federal Credit Union 509 S. Boston, Suite 3 Tulsa, OK 74103	505
Bank IV ATTN: Claudia Miller P.O. Box 1255 Oklahoma City, OK 73107	400
Boatmen's Bancshares, Inc. ATTN: Elouise M. Goodum One Boatmen's Plaza 800 Market Street St. Louis, MO 63101	1,050

Payments of restitution are to be made to the United States Attorney for transfer to the payee(s).

Restitution shall be paid in full immediately. Any amount not paid immediately shall be paid during the period of probation, to be paid jointly and severally with codefendant Derrick Dwayne Spencer. No further payment shall be required after the sum of the amounts actually paid by all defendants has fully covered compensable injury.

Any payment shall be divided proportionately among the payees named unless otherwise specified here.

Defendant: TRINA D. MCGILL  
Case Number: 96-CR-017-02-H

### STATEMENT OF REASONS

The court adopts the factual findings and guideline application in the presentence report.

**Guideline Range Determined by the Court:**

Total Offense Level:	8
Criminal History Category:	I
Imprisonment Range:	0 months to 6 months
Supervised Release Range:	2 to 3 years
Fine Range:	\$ 1,000 to \$ 10,000
Restitution:	\$ 8,976

The fine is waived or is below the guideline range because of the defendant's inability to pay.

The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by application of the guidelines.

8/7/96  
**FILED**  
AUG 6 1996  
Phil Lombardi, Clerk  
U.S. DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

**UNITED STATES DISTRICT COURT**  
Northern District of Oklahoma

UNITED STATES OF AMERICA

v.

Case Number 96-CR-016-001-H

JAMES E. SUTTON  
Defendant.

**JUDGMENT IN A CRIMINAL CASE**  
(For Offenses Committed On or After November 1, 1987)

The defendant, JAMES E. SUTTON, was represented by C. Merile Gile.

The defendant was found guilty on count(s) 1 of the Indictment on April 26, 1996 after a plea of not guilty. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 USC 1001 & 2	False Statement to the Internal Revenue Service and Causing a Criminal Act	02/08/96	1

As pronounced on July 31, 1996, the defendant is sentenced as provided in pages 2 through 4 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay to the United States a special assessment of \$ 50.00, for count(s) 1 of the Indictment, which shall be due immediately.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Signed this the 5<sup>TH</sup> day of August, 1996.

  
The Honorable Sven Erik Holmes  
United States District Judge

Defendant's SSN: 444-50-2722

Defendant's Date of Birth: 09/16/48

Defendant's residence and mailing address: Route 1, Box 184B, Madill, Oklahoma 73446

Defendant: JAMES E, SUTTON  
Case Number: 96-CR-016-001-H

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 6 months.

The Court makes the following recommendations to the Bureau of Prisons: Classification provisions permitting, the Court recommends that the Bureau of Prisons designate the Oklahoma Half Way House in Oklahoma City as the place of service for this 6 month term.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons before 12:00 p.m. on August 30, 1996.

**RETURN**

I have executed this Judgment as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
at \_\_\_\_\_, with a certified copy of this Judgment.

\_\_\_\_\_  
United States Marshal

By \_\_\_\_\_  
Deputy Marshal

Defendant: JAMES E, SUTTON  
Case Number: 96-CR-016-001-H

### **SUPERVISED RELEASE**

Upon release from imprisonment, the defendant shall be on supervised release for a term of 3 years.

While on supervised release, the defendant shall not commit another federal, state, or local crime; shall not illegally possess a controlled substance; shall comply with the standard conditions that have been adopted by this court (set forth below); and shall comply with the following additional conditions:

1. The defendant shall report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.
3. The defendant shall not own or possess a firearm or destructive device.
4. The defendant shall abide by the "Special Financial Conditions" enumerated in Miscellaneous Order Number M-128, filed with the Clerk of the Court on March 18, 1992.

### **STANDARD CONDITIONS OF SUPERVISION**

While the defendant is on supervised release pursuant to this judgment, the defendant shall not commit another federal, state, or local crime. In addition:

- 1) The defendant shall not leave the judicial district without the permission of the court or probation officer.
- 2) The defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month.
- 3) The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.
- 4) The defendant shall support his or her dependents and meet other family responsibilities.
- 5) The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
- 6) The defendant shall notify the probation officer within seventy-two hours of any change in residence or employment.
- 7) The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician.
- 8) The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered.
- 9) The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer.
- 10) The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer.
- 11) The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer.
- 12) The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court.
- 13) As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
- 14) The defendant shall submit to urinalysis testing as directed by the U. S. Probation Office.

Defendant: JAMES E, SUTTON  
Case Number: 96-CR-016-001-H

### STATEMENT OF REASONS

The court adopts the factual findings and guideline application in the presentence report.

**Guideline Range Determined by the Court:**

Total Offense Level:	9
Criminal History Category:	I
Imprisonment Range:	4 months to 10 months - Ct. 1
Supervised Release Range:	2 to 3 years - Ct. 1
Fine Range:	\$ 1,000 to \$ 10,000 - Ct. 1
Restitution:	N/A

The fine is waived or is below the guideline range because of the defendant's inability to pay.

The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by application of the guidelines.



8/7/96

FILED

AUG 6 1996

Phil Lombardi, Clerk  
U.S. DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMAUNITED STATES DISTRICT COURT  
Northern District of Oklahoma

UNITED STATES OF AMERICA

v.

Case Number 95-CR-060-003-H

MICHELLE DENISE FARMER  
Defendant.**JUDGMENT IN A CRIMINAL CASE**  
(For Offenses Committed On or After November 1, 1987)

The defendant, MICHELLE DENISE FARMER, was represented by Art Fleak.

On motion of the United States the court dismissed count(s) 2 of the Superseding Indictment on September 19, 1995.

The defendant was found guilty on count(s) 3 and 4 of the Superseding Indictment on September 19, 1995 after a plea of not guilty. On November 1, 1995, the court granted defendant's motion for judgment of acquittal of Count 3 of the Superseding Indictment. Accordingly, the defendant is adjudged guilty of count(s) 4 of the Superseding Indictment, involving the following offense(s):

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 USC 1623	False Statement Before Court	03/10/95	4

As pronounced on July 26, 1996, the defendant is sentenced as provided in pages 2 through 4 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay to the United States a special assessment of \$ 50.00, for count(s) 4 of the Superseding Indictment, which shall be due immediately.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Signed this the 5<sup>TH</sup> day of AUGUST, 1996.
  
 The Honorable Sven Erik Holmes  
 United States District Judge

Defendant's SSN: 441-82-9452

Defendant's Date of Birth: 06/27/61

Defendant's residence and mailing address: 4218 South Rockford, Tulsa, Oklahoma 74105

Defendant: MICHELLE DENISE FARMER  
Case Number: 95-CR-060-003-H

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 32 months.

The Court makes the following recommendations to the Bureau of Prisons: The Court recommends that the Bureau of Prisons assign the defendant to a facility that will provide the defendant the opportunity to participate in intensive inpatient drug treatment.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons before noon on August 26, 1996.

**RETURN**

I have executed this Judgment as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
at \_\_\_\_\_, with a certified copy of this Judgment.

\_\_\_\_\_  
United States Marshal

By \_\_\_\_\_  
Deputy Marshal

Defendant: MICHELLE DENISE FARMER  
Case Number: 95-CR-060-003-H

### **SUPERVISED RELEASE**

Upon release from imprisonment, the defendant shall be on supervised release for a term of 3 years.

While on supervised release, the defendant shall not commit another federal, state, or local crime; shall not illegally possess a controlled substance; shall comply with the standard conditions that have been adopted by this court (set forth below); and shall comply with the following additional conditions:

1. The defendant shall report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.
3. The defendant shall not own or possess a firearm or destructive device.
4. The defendant shall successfully participate in a program of testing and treatment (to include inpatient) for drug and alcohol abuse, as directed by the Probation Officer, until such time as released from the program by the Probation Officer.

### **STANDARD CONDITIONS OF SUPERVISION**

While the defendant is on supervised release pursuant to this judgment, the defendant shall not commit another federal, state, or local crime. In addition:

- 1) The defendant shall not leave the judicial district without the permission of the court or probation officer.
- 2) The defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month.
- 3) The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.
- 4) The defendant shall support his or her dependents and meet other family responsibilities.
- 5) The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
- 6) The defendant shall notify the probation officer within seventy-two hours of any change in residence or employment.
- 7) The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician.
- 8) The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered.
- 9) The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer.
- 10) The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer.
- 11) The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer.
- 12) The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court.
- 13) As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
- 14) The defendant shall submit to urinalysis testing as directed by the U. S. Probation Office.

Defendant: MICHELLE DENISE FARMER  
Case Number: 95-CR-060-003-H

### STATEMENT OF REASONS

The court adopts the factual findings and guideline application in the presentence report.

**Guideline Range Determined by the Court:**

Total Offense Level:	12
Criminal History Category:	VI
Imprisonment Range:	30 months to 37 months - Ct. 4
Supervised Release Range:	2 to 3 years - Ct. 4
Fine Range:	\$ 3,000 to \$ 30,000 - Ct. 4
Restitution:	N/A

The fine is waived or is below the guideline range because of the defendant's inability to pay.

The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by application of the guidelines.

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

**F I L E D**

**AUG 5 1996**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RONALD RAY YOUNGER,

Defendants.

Phil Lombardi, Clerk  
U.S. DISTRICT COURT

Case No. 90-CR-38-E

96-C-246-E

ENTERED ON DOCKET

DATE 8/6/96

ORDER

Now before the Court is the 28 U.S.C. §2255 Motion to Vacate, Set Aside, or Correct Sentence of the Defendant Ronald Ray Younger (Younger) (Docket # 46).

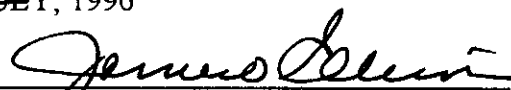
On May 22, 1990, Younger pled guilty to a charge of knowingly carrying a firearm during and in relation to a drug trafficking crime in violation of 18 U.S.C. §924(c)(1). He was sentenced to five years imprisonment and three years supervised release. He now brings this motion to vacate, arguing that under Bailey v. United States, 116 S.Ct. 501 (1995), his conviction should be overturned.

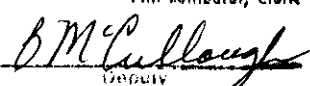
The government correctly points out that Bailey does not deal with the "carry" prong of §924(c) to which Younger pled guilty, but rather with the "use" prong of §924(c) with which Younger was not charged. This, however, is not the fatal flaw in Younger's motion.

The decision of United States v. Broce, 109 S.Ct. 757 (1989) is dispositive of this matter. By pleading guilty, Younger has "admitt[ed] guilt of a substantive crime." Id., at p. 762. In short the general rule that "a voluntary and intelligent plea of guilty made by an accused person, who has been advised by competent counsel may not be collaterally attacked," Id., at p. 765, applies in this case.

Younger's Motion to Vacate, Set Aside, or Correct Sentence (Docket # 46) is denied.

SO ORDERED THIS <sup>AUGUST</sup>~~JULY~~ 5 DAY OF ~~JULY~~, 1996

  
JAMES O. ELLISON, SENIOR JUDGE  
UNITED STATES DISTRICT COURT

United States District Court )  
Northern District of Oklahoma ) SS  
I hereby certify that the foregoing  
is a true copy of the original on file  
in this court. Phil Lombardi, Clerk  
By   
Deputy

**FILED**

**UNITED STATES DISTRICT COURT**  
**Northern District of Oklahoma**

**AUG 5 1996****Phil Lombardi, Clerk**  
**U.S. DISTRICT COURT**

UNITED STATES OF AMERICA

v.

Case Number 94-CR-174-001-C

ENTERED ON DOCKET

JOE W. GWARTNEY  
Defendant.DATE 8/5/96**AMENDED JUDGMENT IN A CRIMINAL CASE****(For Offenses Committed On or After November 1, 1987)****Correction of Sentence on Remand (Fed. R. Crim. P. 35(a))**

The defendant, JOE W. GWARTNEY, was represented by Keith Ward.

On motion of the United States the court has dismissed count(s) 1, 3-6, 8-14, 17-34, 36 and 37 of the Indictment.

The defendant pleaded guilty to count(s) 2, 7, 15, 16, and 35 of the Indictment on June 14, 1995. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

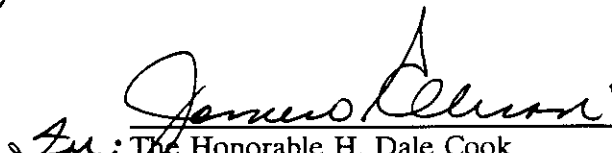
<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 USC 1005 and 2(b)	False Entries in Bank Records Causing a Criminal Act	07/17/92	2, 7, 15, 16, and 35

As pronounced on July 31, 1996, the defendant is sentenced as provided in pages 2 through 5 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay to the United States a special assessment of \$ 250.00, for count(s) 2, 7, 15, 16, and 35 of the Indictment, which shall be due immediately.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Signed this the 2<sup>d</sup> day of August, 1996.

  
The Honorable H. Dale Cook  
United States District Judge

Defendant's SSN: 446-56-5524

Defendant's Date of Birth: 06/27/52

Defendant's residence and mailing address: 3806½ S. Victor, Tulsa, OK 74105

United States District Court )  
Northern District of Oklahoma ) SSI hereby certify that the foregoing  
is a true copy of the original on file  
in this court.

Phil Lombardi, Clerk

By   
Deputy

Defendant: JOE W. GWARTNEY  
Case Number: 94-CR-174-001-C

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 8 months, as to all counts to run concurrently, each with the other, with credit for time served.

The defendant's internment sentence is satisfied, resulting in the immediate commencement of the term of supervised release.

**RETURN**

I have executed this Judgment as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
at \_\_\_\_\_, with a certified copy of this Judgment.

\_\_\_\_\_  
United States Marshal

By \_\_\_\_\_  
Deputy Marshal



Defendant: JOE W. GWARTNEY

Case Number: 94-CR-174-001-C

**SUPERVISED RELEASE**

Upon release from imprisonment, the defendant shall be on supervised release for a term of 5 years, as to all counts to run concurrently, each with the other.

While on supervised release, the defendant shall not commit another federal, state, or local crime; shall not illegally possess a controlled substance; shall comply with the standard conditions that have been adopted by this court (set forth below); and shall comply with the following additional conditions:

1. The defendant shall report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.
3. The defendant shall not own or possess a firearm or destructive device.
4. The defendant shall submit to a search conducted by a United States Probation Officer of his person, residence, vehicle, office and/or business at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. Failure to submit to a search may be grounds for revocation. The defendant shall not reside at any location without having first advised other residents that the premises may be subject to searches pursuant to this condition. Additionally, the defendant shall obtain written verification from other residents that said residents acknowledge the existence of this condition and that their failure to cooperate could result in revocation. This acknowledgement shall be provided to the U. S. Probation Office immediately upon taking residency.
5. The defendant shall abide by the "Special Financial Conditions" enumerated in Miscellaneous Order Number M-128, filed with the Clerk of the Court on March 18, 1992.
6. You are prohibited from engaging in any form of employment within the banking industry, or any employment which would give you access to bank accounts, securities, or other negotiable assets of any business, individual, or other entity.
7. You shall abide by the Internal Revenue laws of the United States, and provide any requested documentation of such compliance.
8. The defendant shall successfully participate in a program of testing and treatment (to include inpatient) for drug and alcohol abuse, as directed by the Probation Officer, until such time as released from the program by the Probation Officer.

**STANDARD CONDITIONS OF SUPERVISION**

While the defendant is on supervised release pursuant to this judgment, the defendant shall not commit another federal, state, or local crime. In addition:

- 1) The defendant shall not leave the judicial district without the permission of the court or probation officer.
- 2) The defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month.
- 3) The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.
- 4) The defendant shall support his or her dependents and meet other family responsibilities.
- 5) The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
- 6) The defendant shall notify the probation officer within seventy-two hours of any change in residence or employment.
- 7) The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician.
- 8) The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered.
- 9) The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer.
- 10) The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer.
- 11) The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer.
- 12) The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court.
- 13) As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
- 14) The defendant shall submit to urinalysis testing as directed by the U. S. Probation Office.

Defendant: JOE W. GWARTNEY  
Case Number: 94-CR-174-001-C

**FINE**

The defendant shall pay a fine of \$ 10,000.00 on Count Two of the Indictment. No interest shall accrue on this fine and shall be paid in full immediately. Any amount not paid immediately shall be paid while in custody through the Bureau of Prisons' Inmate Responsibility Program. Upon release from custody, any unpaid balance shall be paid during the term of supervised release.

If the fine is not paid, the court may sentence the defendant to any sentence which might have been originally imposed. See 18 U.S.C. § 3614.

Defendant: JOE W. GWARTNEY  
Case Number: 94-CR-174-001-C

**STATEMENT OF REASONS**

The court adopts the factual findings and guideline application in the presentence report.

**Guideline Range Determined by the Court:**

Total Offense Level:	8
Criminal History Category:	II
Imprisonment Range:	4 months to 10 months
Supervised Release Range:	3 to 5 years
Fine Range:	\$ 1,000 to \$ 1,000,000
Restitution:	N/A

The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by application of the guidelines.



**FILED**

**UNITED STATES DISTRICT COURT**  
**Northern District of Oklahoma**

**AUG - 1 1996**

**Phil Lombardi, Clerk**  
**U.S. DISTRICT COURT**  
**NORTHERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA

v.

Case Number 96-CR-067-001-H

PAUL J. MAYS, JR.  
 Defendant.

**JUDGMENT IN A CRIMINAL CASE**  
**(For Offenses Committed On or After November 1, 1987)**

The defendant, PAUL J. MAYS, JR., was represented by James Clinton Garland.

On motion of the United States the court has dismissed count(s) 1, 2, and 3 of the Information.

The defendant pleaded guilty to count(s) 1 of the Superseding Information. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
26 USC 7203	Willful Failure to File Tax Return or Pay Tax	04/15/91	1

As pronounced on July 25, 1996, the defendant is sentenced as provided in pages 2 through 4 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay to the United States a special assessment of \$ 25.00, for count(s) 1 of the Superseding Information, which shall be due immediately.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.


Signed this the 1<sup>st</sup> day of August, 1996.

United States District Court )  
 Northern District of Oklahoma )

I hereby certify that the foregoing is a true copy of the original on file in this court.

Phil Lombardi, Clerk

  
 The Honorable John Leo Wagner  
 United States Magistrate Judge

By   
 Deputy

Defendant's SSN: 440-50-7859

Defendant's Date of Birth: 10/15/50

Defendant's residence and mailing address: Box 237, Pawhuska, OK 74056

**ENTERED ON DOCKET****DATE** 8-1-96

Defendant: PAUL J. MAYS, JR.

Case Number: 96-CR-067-001-H

### PROBATION

The defendant is hereby placed on probation for a term of 3 year(s).

While on probation, the defendant shall not commit another federal, state, or local crime; shall not illegally possess a controlled substance; shall comply with the standard conditions that have been adopted by this court (set forth below); and shall comply with the following additional conditions:

1. If this judgment imposes a fine, special assessment, costs or restitution obligation, it shall be a condition of probation that the defendant pay any such fine, assessment, costs and restitution.
2. The defendant shall not own or possess a firearm or destructive device.
3. The defendant shall be placed on home detention to include electronic monitoring at the discretion of the U. S. Probation Office for a period of 6 months, to commence within 72 hours of sentencing date. During this time, the defendant shall remain at place of residence except for employment and other activities approved in advance by the probation office. The defendant shall maintain a telephone at place of residence without any special services, modems, answering machines, or cordless telephones for the above period. The defendant shall wear an electronic device and shall observe the rules specified by the Probation Office. The entire cost of this program shall be paid by the defendant.
4. The defendant shall abide by the "Special Financial Conditions" enumerated in Miscellaneous Order Number M-128, filed with the Clerk of the Court on March 18, 1992.
5. The defendant shall pay cost of supervision at a rate of \$1,195.30 per month for 36 months, for a total of \$7,030.80.

### STANDARD CONDITIONS OF PROBATION

While the defendant is on probation pursuant to this judgment, the defendant shall not commit another federal, state or local crime. In addition:

- 1) The defendant shall not leave the judicial district without the permission of the court or probation officer.
- 2) The defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month.
- 3) The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.
- 4) The defendant shall support his or her dependents and meet other family responsibilities.
- 5) The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
- 6) The defendant shall notify the probation officer within seventy-two hours of any change in residence or employment.
- 7) The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician.
- 8) The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered.
- 9) The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer.
- 10) The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer.
- 11) The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer.
- 12) The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court.
- 13) As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
- 14) The defendant shall submit to urinalysis testing as directed by the U. S. Probation Office.

Defendant: PAUL J. MAYS, JR.  
Case Number: 96-CR-067-001-H

**FINE**

The defendant shall pay a fine of \$ 10,000.00. This fine shall be paid in full immediately. Any amount not paid immediately shall be paid during the period of probation.

If the fine is not paid, the court may sentence the defendant to any sentence which might have been originally imposed. See 18 U.S.C. § 3614.

Defendant: PAUL J. MAYS, JR.

Case Number: 96-CR-067-001-H

### STATEMENT OF REASONS

The court adopts the factual findings and guideline application in the presentence report.

**Guideline Range Determined by the Court:**

Total Offense Level:	10
Criminal History Category:	I
Imprisonment Range:	6 months to 12 months - Ct. 1
Supervised Release Range:	1 year - Ct. 1
Fine Range:	\$ 2,000 to \$ 20,000 - Ct. 1
Restitution:	N/A

The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by application of the guidelines.

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